

**DEPARTMENTS OF COMMERCE, JUSTICE, AND
STATE, THE JUDICIARY, AND RELATED
AGENCIES APPROPRIATIONS FOR 1984**

HEARINGS
BEFORE A
SUBCOMMITTEE OF THE
COMMITTEE ON APPROPRIATIONS
HOUSE OF REPRESENTATIVES
NINETY-EIGHTH CONGRESS
FIRST SESSION

SUBCOMMITTEE ON THE DEPARTMENTS OF COMMERCE, JUSTICE, AND
STATE, THE JUDICIARY, AND RELATED AGENCIES

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PART 6
DEPARTMENT OF JUSTICE

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**DEPARTMENTS OF COMMERCE, JUSTICE, AND
STATE, THE JUDICIARY, AND RELATED AGEN-
CIES APPROPRIATIONS FOR 1984**

WEDNESDAY, FEBRUARY 9, 1983.

DEPARTMENT OF JUSTICE

DRUG ENFORCEMENT ADMINISTRATION

WITNESSES

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UNIT
KEVIN D. ROONEY, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRA-
TION
CHARLES R. NEILL, CONTROLLER**

Mr. SMITH. The first item that we will consider today is the fiscal 1984 budget request for the Drug Enforcement Administration.

The request is for \$275,623,000, an increase of \$27,461,000 above the amount for 1983 appropriated so far.

In addition to the fiscal year 1984 request we will consider the 1983 pay supplemental of \$7,334,000.

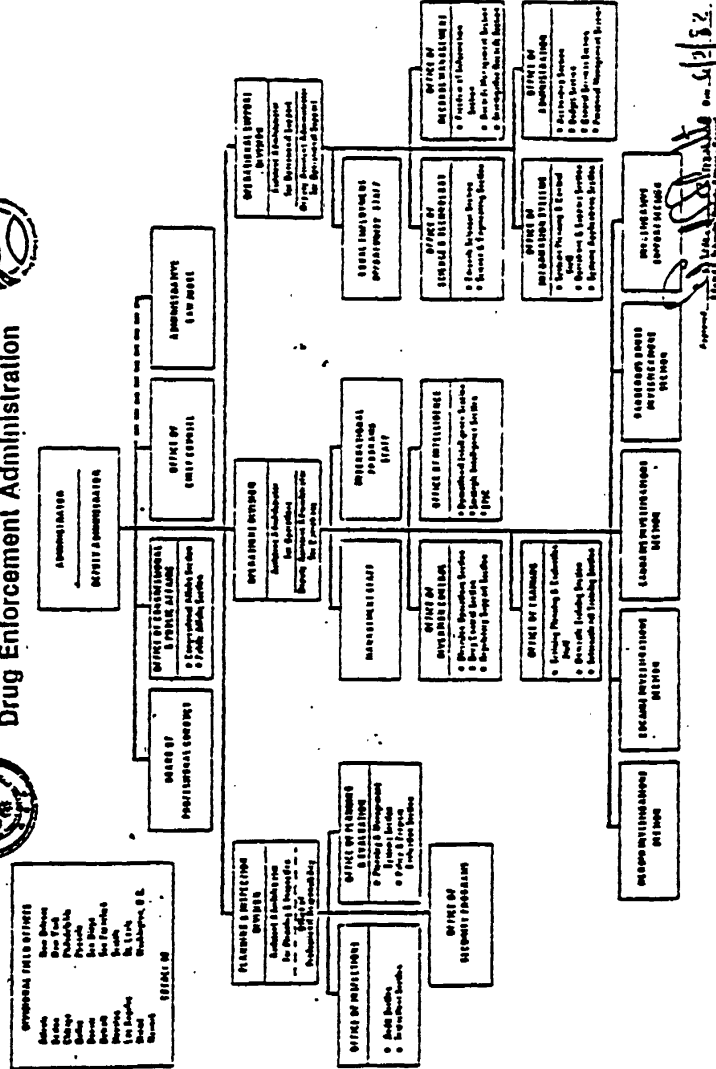
The Subcommittee is holding this hearing before we have the rest of the hearings on the Justice Department because of our upcoming inspection tour in the Middle East. We want to review drug enforcement programs at this time.

We will insert the justifications into the record at this point.

[The justifications materials follow:]

Department of Justice
Drug Enforcement Administration
Estimates for Fiscal Year 1984
Table of Contents

<u>Item</u>	<u>Page</u> <u>Number</u>
Organization Chart.....	1
Summary Statement.....	2
Proposed Authorization Language.....	5
Justification of Proposed Changes to the Authorization Language.....	7
Proposed Appropriation Language.....	8
Crosswalk of 1983 changes.....	9
Summary of Requirements.....	10
Summary of Resources by Program.....	11
Justification of Program and Performance.....	12
Priority Rankings.....	60
Detail of Permanent Positions by Category.....	61
Summary of Adjustments to Base.....	62
Justification of Adjustments to Base.....	63
Financial Analysis - Program Increases.....	68
Summary of Requirements by Grade and Object Class.....	69



Approved: _____
Special Agent in Charge

Drug Enforcement Administration

Salaries and expenses

Summary Statement

Fiscal Year 1984

The Drug Enforcement Administration (DEA) is requesting, for 1984, a total of \$275,623,000, and 3,988 permanent positions. This request represents an increase of \$20,127,000 in funding and 35 positions from the anticipated 1983 appropriation of \$255,496,000, and 3,953 permanent positions.

DEA was established in the Department of Justice on July 1, 1973, by Reorganization Plan No. 2 of 1973. The mission of DEA is to control abuse of narcotic and dangerous drugs by restricting the aggregate supply of these drugs through drug law enforcement at the Federal level as lead agency; coordination with state, local, and other Federal officials in drug enforcement activities; development and maintenance of drug intelligence systems; regulation of legitimate controlled substance activities; and enforcement coordination and intelligence-gathering activities with foreign government agencies.

This appropriation finances a nationwide operation with field offices in 50 states, foreign operations in 43 countries, 6 field laboratory laboratories, and Federal/state and local task forces in 18 selected areas.

The DEA strategy is to make trafficking in drugs less attractive by ensuring swift punishment for violators, as well as building the expectation of certain loss of accumulated profits earned in this criminal enterprise; and, inferentially, to stop production at the source and assist in the interdiction of drugs before they penetrate U.S. borders. These efforts are seen to have a significant effect on violent crime.

In support of the objective to integrate Federal, state and local agencies and organizations involved in the fight against drug abuse, DEA restructured its field operations into 20 major field divisions including the El Paso Intelligence Center (EPIC) and implemented a system of direct reporting from field offices to headquarters.

DEA/FBI cooperative efforts are expanding to combine the expertise of both agencies during complex investigations aimed at the prevention of major organized crime violators implicated in the narcotic traffic. Interagency cooperation is also being enhanced.

- The special expertise of INS is being utilized to further DEA's asset removal efforts.
- The interagency intelligence effort at EPIC has brought the law enforcement community together to cooperatively work on drug cases, ensuring that the full scope of issues is addressed in each major investigation.
- Increased military assistance is now possible under the Peace Contingent Amendment.

As the coordinated efforts begin to be applied, we find opportunities for a significant expansion in major investigation and prosecution efforts. To pursue these opportunities forcefully requires a further investment of resources.

The establishment of the President's Organized Crime Drug Enforcement Task Force, to mount an intensive and coordinated campaign against organized criminal enterprises dealing in drugs, will augment DEA's current operations.

The 1984 request will provide for the ongoing operations of most DEA programs with modest increases proposed for others.

Enforcement of Federal Law and Investigations

The Domestic Enforcement program encompasses the enforcement of Federal laws regarding narcotics and dangerous drugs. Specifically, the activity aims to reduce the domestic supply of illicit drugs of abuse to a level with which our society and institutions can reasonably cope.

A program increase of \$465,000 is proposed to provide necessary funding for anticipated cost increases associated with the basic vehicle replacement program (277 vehicles). Additionally, in 1980 and 1981, DEA did not purchase replacement police-type sedans. As a result, the DEA enforcement fleet is now aged and in some cases unsafe. By 1984 a projected total of 1,451 vehicles will have exceeded replacement criteria. This request would provide funding (\$4,000,000) for the purchase of 405 replacement vehicles.

The Foreign Cooperative Investigations program encompasses efforts to reduce illicit opium production and the supply of heroin destined for the United States particularly from Southwest Asia; efforts to curtail the supply of illicitly-produced dangerous drugs, cocaine and marijuana entering the United States; and legitimately-manufactured drugs diverted from international commerce destined for the U.S. illicit market; and the collection and dissemination of tactical operational and strategic intelligence.

An increase of nine positions and \$860,000 is proposed. This increase would enable DEA to reinforce agent strength in selected European and Middle-East offices which are critical transshipment points on the Southwest Asian heroin trafficker routes.

The Diversion Control activity encompasses the investigation and prevention of diversion of illicitly produced narcotics and dangerous drugs into illicit channels. By authority of the Controlled Substances Act this activity includes (a) registering legitimate manufacturers, distributors, and practitioners of controlled drugs; (b) determining points of diversion into the illicit market; (c) conducting targeted investigations of high level violators; (d) conducting periodic investigations of manufacturers, wholesalers, importers/exporters, and methadone clinics; (e) investigating pre-registered; (f) assembling and classifying of controlled drugs; (g) authorizing imports and exports; (h) establishing manufacturing quotas; and (i) providing assistance and guidance to the states.

The State and Local Assistance program encompasses cooperative law enforcement activities with state, county, and local authorities which benefit the Federal drug enforcement program. Included are training programs for law enforcement officers and forensic chemists; laboratory support for law enforcement agencies (including analysis of evidence and expert testimony in state prosecution cases); and support for enforcement activities of the Federal/state and local law forces.

Intelligence

This activity encompasses the collection, analysis, and dissemination of drug intelligence in support of DEA, other Federal, State, and local efforts to interdict or suppress the illicit movement of drugs. The intelligence activity provides a systematic approach for attacking the drug traffic by identifying and assessing the vulnerabilities of traffickers. It also supplies information for policy formulation and enforcement strategy development.

Research and Engineering

This activity encompasses research programs directly related to the DEA law enforcement and intelligence functions. It supports these programs through development of specialized covert equipment, operational engineering, and scientific support.

Support Operations

This activity encompasses laboratory analysis of evidence and expert testimony in support of investigation and prosecution of drug trafficking; training program for all levels of DEA operational personnel; maintenance of an effective technical equipment program, including aircraft operations, to support increasingly complex high level investigations; provision of AFP and report communications support; provision of records management systems; and the provision of responses to requests made pursuant to the Freedom of Information and Privacy Acts (FOI/PA).

Increases of 26 positions and \$6,190,000 are proposed to strengthen the DEA Laboratory Services program, the Audio program and the AFP and telecommunications program.

Program Direction

This program encompasses the overall management and direction of DEA. It includes the development of coordinated and definitive policy; program analysis and planning; budget preparation and financial management, congressional and public affairs; security of DEA; legal counsel; and coordination and performance of administrative support functions.

Reimbursable Programs

The Organized Crime Drug Enforcement Task Force Program will operate through reimbursable funding provided in a single appropriation; account to the Department of Justice. DEA will receive funding for additional investigative and support personnel, air surveillance, and improved automation of intelligence and investigative systems to participate in the establishment of twelve new Task Forces in key areas of the country. These new task forces will supplement DEA's efforts directed against organized criminal groups dealing in drugs.

In addition a reimbursable program providing for the training of foreign drug law enforcement officials is conducted by DEA and funded by the Department of State. Schools are held each year, both in the United States and host countries.

Drug Enforcement Administration

Salaries and expenses

Proposed Authorization Language

The Drug Enforcement Administration is requesting the following authorization language:

For the Drug Enforcement Administration for its activities including -

- (A) hire and acquisition of law enforcement and passenger motor vehicles without regard to the general purchase price limitation for the current fiscal year;
- (B) payment in advance for special tests and studies by contract;
- (C) payment in advance for expenses arising out of contractual and reimbursable agreements with state and local law enforcement and regulatory agencies while engaged in cooperative enforcement and regulatory activities in accordance with section 503A(2) of the Controlled Substances Act (21 U.S.C. 873(a)(2));
- (H) payment of expenses not to exceed \$70,000 to meet unforeseen emergencies of a confidential character to be expended under the direction of the Attorney General, and to be accounted for solely on the certificate of the Attorney General;
- (E) payment of rewards;
- (F) payment for publication of technical and informational material in professional and trade journals and purchase of chemicals, apparatus, and scientific equipment;
- (G) payment for necessary accommodations in the District of Columbia for conferences and training activities;
- (H) acquisition, lease, maintenance, and operation of aircraft;
- (I) research related to enforcement and drug control to remain available until expended;
- (J) contracting with individuals for personal services abroad, and such individuals shall not be regarded as employees of the United States Government for the purpose of any law administered by the Office of Personnel Management;

(K) payment for firearms and ammunition and attendance at firearms training;

(L) payment of tort claims against the United States when such claims arise in foreign countries in connection with Drug Enforcement Administration operations abroad; and

(M) not to exceed \$1,700,000 for the purchase of evidence and payment for information (R&PI) shall remain available until September 30, 1985;

\$275,623,000 of which not to exceed \$1,200,000 for research shall remain available until expended. For purpose of section 709(b) of the Controlled Substances Act (21 U.S.C. 904(b)), such sum shall be deemed to be authorized by section 709(a) of such Act, for fiscal year ending September 30, 1984.

Drug Enforcement Administration

Salaries and expenses

Justification of Proposed Changes in Authorization Language

The Drug Enforcement Administration is requesting the following new language to be added to its authority in 1984.

(H) Section 709(a) of the Controlled Substances Act (21 U.S.C. 904) is amended--

(1) by striking out "and" after "1982", and

(2) by inserting after "1983," the following: "and \$275,623,000 for the fiscal year ending September 30, 1984,"

This change in the Authorization Section of the Controlled Substances Act will maintain that authority at the same level as in the Department of Justice Authorization Act.

Drug Enforcement AdministrationSalaries and expensesJustification of Proposed Changes in Appropriation Language

The 1984 budget estimates include the proposed changes in the appropriations language listed and explained below. The current appropriation language is based upon the continuing resolution (P.L. 97-377) which cites the authorities contained in (H-2567), the last act passed by the Congress that contained complete appropriation language. New language is underscored and deleted matter is enclosed in brackets.

Salaries and expenses

For necessary expenses of the Drug Enforcement Administration, including not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; purchase of not to exceed [two hundred seventy-seven] passenger motor vehicles of which 682 are for replacement only for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft; [\$248,162,000], of which not to exceed \$1,200,000 for research shall remain available until expended and \$1,700,000 for purchase of evidence and payment for information shall remain available until September 30, [1984], eight hundred eighty-eight 1985.

Explanation of change

The proposed change in the number of motor vehicles will provide for increased efficiency and effectiveness of the DEA motor vehicle fleet. Currently, a total of 1,035 passenger motor vehicles meet the USA replacement criteria. While not providing for the entire replacement needs of DEA, procurement of these replacement vehicles will diminish the risks to our agent force and enhance their ability to perform their mission. An additional 206 motor vehicles are required to support DEA participation in the Organized Crime Drug Enforcement (OCDE) task force operations for which reimbursable funding will be provided.

**Drug Enforcement Administration
Salaries and expenses**

**Comparison of 1983 Changes
(Dollars in thousands)**

Activity/Program	1983 President's Budget Request			1983 Request Appropriation Actions on			Reprogramming			1983 Supplementals Requested			1983 Appropriation Anticipated		
	Pos.	Wt.	Ant.	Pos.	Wt.	Ant.	Pos.	Wt.	Ant.	Pos.	Wt.	Ant.	Pos.	Wt.	Ant.
1. Enforcement of Federal Law and Investigations	1,917	1,873	\$116,400	...	...	\$78	-130	-104	-111,057	...	...	\$3,735	1,787	1,769	\$109,156
a. Domestic enforcement	355	347	31,395	...	...	207	-6	-6	-3,290	...	...	690	343	341	28,992
b. Foreign cooperative investigations	408	395	16,476	...	...	79	-65	-61	-1,723	...	...	648	343	324	15,530
c. Diversion control	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
d. State and local assistance	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
e. State and local training	49	47	3,153	...	...	5	-24	-23	-1,449	...	...	51	25	24	1,740
f. State and local laboratory services	22	21	1,546	...	...	6	1	2	-234	...	...	42	23	23	1,560
g. State and local task forces	114	107	12,248	...	...	11	6	12	55	...	...	54	122	119	12,546
Subtotal	2,865	2,760	181,408	...	...	364	-709	-180	-17,718	...	...	5,270	2,842	2,800	184,324
2. Intelligence	366	354	19,034	...	...	50	-68	-49	-5,146	...	...	497	294	295	14,435
3. Research and engineering	19	18	1,917	...	...	-23	-2	-2	235	...	...	35	17	16	2,104
a. Support operations	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
b. Laboratory services	182	178	11,033	...	...	-88	-8	-16	-2,010	...	...	239	174	162	9,174
c. DEA training	26	24	2,349	...	...	6	8	9	836	...	...	64	34	33	3,255
d. Technical operations	119	113	14,378	...	...	-26	66	64	2,636	...	...	349	185	177	17,337
e. Air and telecommunications	...	...	...	...	...	-44	110	103	15,818	...	...	156	110	103	15,930
f. Records management	...	...	...	...	...	-44	91	87	-3,215	...	...	122	91	87	3,293
5. Program direction	263	255	11,666	...	...	60	-22	-24	247	...	...	401	241	231	12,374
Executive direction and control	113	110	6,135	...	...	13	34	28	1,887	...	...	201	147	138	6,810
Administrative services	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Total	3,983	3,832	247,920	...	...	242	...	...	...	...	...	7,334	3,953	3,832	255,196

Explanation of Analysis of Changes from 1981 Appropriation's Request

Congressional Appropriation Action

The Congressional action reflects a reduction for Standard Level User Charges of \$2,258,000 and a restoration of funds of \$2,500,000 for reductions set in the 1983 budget process.

Section 108 of P.L. 97-371, Continuing Resolution for 1983, prohibits agencies from paying the General Services Administration (GSA) a higher rate per square foot for the rental of space and services in 1983 than they paid in 1982.

Reprogramming

The reprogramming of positions and budget authority reflects the permanent effect of the June 11, 1982 reprogramming notification. In the narrative accompanying the notification, it was stated that the reprogramming was of a permanent nature and would carry into 1983. Because the reprogramming occurred prior to the congressional appropriation action on our 1983 request, it is necessary to show the negative adjustment in the ADP and telecommunications and Records Management programs.

Supplemental Request

The pay request provides \$1,314,000 to meet increased pay requirements. Executive Order 12330, October 4, 1982, as modified by E.O. 97-276, Continuing Appropriations, 1983.

Drug Enforcement Administration

Salaries and expenses

Summary of Requirements
(in millions in thousands)

	1982 Actual	1983 Anticipated	1984 Estimate	Perm. Pos.	Wkt. Years	Amount
Adjustments to base:						
1983 as enacted.....	1,787	1,769	1,769	1,787	3,953	\$240,162
1983 pay supplemental.....	356	341	341	356	...	7,334
1983 appropriation anticipated.....	343	324	324	343	3,953	255,496
Uncontrollable increases.....	170	166	170	170	...	10,749
Decreases.....	298	285	285	298	...	2,177
1984 base.....	3,953	3,832	3,832	3,953	3,832	\$255,496

1983 Appropriation

	1982 Actual	1983 Anticipated	1984 Estimate	Perm. Pos.	Wkt. Years	Amount
Estimates by budget activity:						
1. Enforcement of Federal law and investigations:						
a. Domestic enforcement.....	1,787	1,769	1,769	1,787	...	14,465
b. Foreign cooperative investigations.....	356	341	341	356	9	840
c. International conf.-l.....	343	324	324	343	...	...
d. State and local assistance.....	170	166	170	170	...	...
2. Intelligence.....	298	285	285	298	...	...
3. Research and advisory.....	17	16	16	17	...	...
4. Support operations.....	594	542	542	594	26	6,190
5. Program administration.....	388	360	360	388	...	...
Total.....	3,953	3,832	3,832	3,953	35	11,515

Drug Enforcement Administration
Salaries and expenses
Summary of Resources by Program
(Dollars in thousands)

	1982 as Enacted			1982 Actual			1983 Anticipated			1984 Base			1984 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
<u>Estimates by Program</u>																		
Enforcement of Federal law and investigations:																		
Domestic enforcement.....	1,917	1,920	\$117,226	1,787	1,790	\$104,654	1,787	1,769	\$109,156	1,787	1,769	\$112,899	1,787	1,769	\$117,364	...	...	\$4,465
Foreign cooperative investigations.....	355	353	29,344	356	312	25,990	356	341	28,992	356	341	30,556	365	348	31,416	9	7	860
Diversion control.....	408	395	16,469	343	302	14,985	343	324	15,530	343	324	16,014	343	324	16,014	...	...	...
State and local assistance:																		
State and local laboratory services.....	49	48	3,076	25	23	1,579	25	24	1,740	25	24	1,803	25	24	1,803	...	...	...
State and local task force.....	22	22	1,424	23	21	1,188	23	23	1,360	23	23	1,422	23	23	1,422	...	...	...
Diversion investigative units.....	114	110	11,631	122	120	11,676	122	119	12,546	122	119	12,952	122	119	12,952	...	...	...
Intelligence.....	366	363	18,677	298	294	13,601	298	285	14,435	298	285	14,906	298	285	14,906	...	...	...
Research and engineering.....	19	18	666	17	20	909	17	16	2,164	17	16	2,283	17	16	2,283	...	...	...
Support operations:																		
FIA laboratory services.....	182	183	10,773	174	155	9,542	174	162	9,174	174	162	9,586	190	174	12,044	16	12	2,458
FIA training.....	26	25	2,249	34	30	3,102	34	33	3,255	34	33	3,372	34	33	3,372	...	...	...
Technical operations.....	119	117	12,281	185	171	14,256	185	177	17,337	185	177	17,165	185	177	18,925	...	...	1,760
ADP and telecommunications.....	...	...	...	110	95	14,820	110	103	15,330	110	103	16,355	120	110	18,327	10	7	1,972
Records management.....	...	...	...	91	83	3,065	91	87	3,293	91	87	3,416	91	87	3,416	...	...	...
Program direction:																		
Executive direction and control.....	263	262	11,294	241	224	11,767	241	231	12,374	241	231	12,928	241	231	12,928	...	...	...
Administrative services.....	113	112	5,899	147	133	7,925	147	138	6,210	147	138	6,951	147	138	6,951	...	...	...
Total.....	3,953	3,939	241,709	3,953	3,773	239,077	3,953	3,832	245,406	3,953	3,832	264,108	3,968	3,858	275,623	35	36	11,515

Other Workyears:
 Holiday.....
 Overtime.....
 Total comparable workyears.....

WY

WY

WY

WY

WY

WY

WY

WY

Drug Enforcement Administration

Salaries and expenses

Justification of Program and Performance

Activity Resource Summary (Dollars in thousands)

Activity: Enforcement of Federal Law and Investigations Subactivity: Domestic Enforcement	1983 Appropriation Anticipated		1984 Base		1984 Estimate		Increase/Decrease	
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount
Domestic enforcement.....	1,787	1,769 \$109,156	1,787	1,769 \$112,409	1,787	1,769 \$117,364	...	...

Long-Range Goal: To reduce the supply of illicit drugs to levels where our society and institutions can cope adequately with the consequences of drug abuse.

Major Objectives:

- Maintain overall enforcement pressure on the major heroin trafficking organizations and hold the average purity of heroin available at the retail level to between 4-5 percent or lower.
- Maintain investigative emphasis in the dangerous drug area, contain in particular the increased level of traffic in clandestinely-manufactured PCP, methamphetamine and LSD, and reduce the retail availability of the substances as measured by reported drug injuries and deaths.
- Increase the Federal Government's role against violent crime by supporting, within resource availability, local drug enforcement and intelligence operations wherein violent crimes surface as collateral violations to ongoing drug investigations.
- Maintain investigative pressure in coordination with the U.S. Coast Guard, Customs, and the FBI on the cocaine, marijuana and counterfeit marijuana traffic entering OAHIS from South America via the Caribbean states, particularly Florida, to prevent any significant increase in drug availability, associated violent crime or economic impact resulting from massive illicit money flow.
- Maintain a Caribbean enforcement/intelligence program involving coordinated interdiction, investigation and eradication activities. This strategy is designed to supply intelligence and equipment support to Caribbean enforcement operations and enhance DEA enforcement effectiveness through increased use of sophisticated and innovative investigative approaches and methods of operation.
- Utilize to the maximum extent possible, assistance from the U.S. military forces to provide intelligence related to the transportation of illicit drugs.
- Utilize the resources and expertise of the FBI in concert with DEA to achieve maximum effectiveness in the containment and reduction of drug trafficking impacting the United States.

- Immobilize, in coordination with the FBI, major traffickers and their organizations by seizing drug-related assets in increasing quantities for eventual forfeiture to the U.S. Government.
- Assist State and local police agencies in the identification and location of domestic marijuana growing sites and encourage action by State and local authorities to eradicate such sites.

Base Program Description: The major thrust of the Domestic Drug Enforcement program in the elimination or immobilization of the highest echelons of the drug traffic in the priority drugs of abuse. This strategy is based on the experience that the greatest impact on traffic can be achieved at these levels and that this represents the most cost-effective employment of resources. Heroin remains one of DEA's major priorities because of its impact on national health and crime; although the massive infusion of cocaine and marijuana entering the Southeastern sector of the United States must also be addressed as a major priority concern of drug enforcement.

DEA carries out this mission through:

- Undercover operations.
- Electronic surveillance.
- Development and utilization of confidential sources of information.
- Emphasis on use of the various conspiracy statutes and the more sophisticated statutory tools such as the Continuing Criminal Enterprise provision, tax laws and racketeer influenced Corrupt Organizations (RICO).
- Employment of Special Enforcement Operations (SEO) for investigative concentration on major trafficking organizations.
- Financial investigative efforts involving the illicit international and national money flow related to drug trafficking. Extensive coordination with the Internal Revenue Service (IRS) and Federal Bureau of Investigation (FBI).
- Precursor investigation and liaison measures aimed at identifying and immobilizing clandestine laboratory operations.
- Full cooperation between DEA, U.S. Customs Service, Immigration and Naturalization Service (INS), and the U.S. Coast Guard in border and sea interdiction activities.
- Coordination and cooperation with State and local drug law enforcement agencies in the development of cooperative cases and the exchange of investigative/intelligence information.
- Utilization of special reverse undercover operations where the agent poses as a drug seller.
- Establishment of proprietary business operations which offer to sell precursor chemicals to illicit drug manufacturers.

DEA's investigative activities fall into three major categories based on the source of the investigation: DEA-initiated investigations, referral investigations stemming from information provided by other Federal law enforcement agencies such as the U.S. Customs Service and the Immigration and Naturalization Service, and cooperative investigations developed jointly with State and local police authorities. With respect to referral-type investigations, while DEA has the principal responsibility in drug offense cases, as a practical matter, DEA exercises only limited control over drug priorities in this area. These cases originate predominantly from border seizures, and the standards established for prosecution by the several United States Attorneys vary considerably.

The major portion of the enforcement effort of the field offices is necessarily employed in substantive DEA initiated case development; the total effort involves a mix of substantive and conspiracy cases. Conspiracy prosecutions develop most often through exploitation and extension of evidence and witnesses developed in the substantive cases. DEA Interoffice and interagency cooperation and investigative assistance are maintained and maintained at a high level.

In selected priority trafficking situations that are either interoffice and international in nature, SED organizational, operational and management procedures are used in the application of investigative resources. The SED approach stresses economy of force, mobility, speed, and flexibility in responding to high level drug trafficking organizations.

Special Enforcement Operations targeted against major conspiracies will receive SED emphasis and resources. These activities will be undertaken on a case-by-case basis when it is determined by DEA management that intelligence or evidence points to probable success commensurate with resources to be expended. Through demonstrated success of these SED (formerly CHINAC) investigations, DEA aims to create in the minds of major traffickers a certainty of punishment under the applicable Federal statutes, as well as a more complete immobilization of their organizations.

DEA continues to focus ongoing efforts on financial investigations involving international money flows and drug traffickers' assets. These investigations, involving close cooperation between DEA, the U.S. Customs Service, the Internal Revenue Service, and FBI are almost generally at important and isolated violators, who direct, control, and profit significantly from drug traffic. Assets emanating from investments of these profits are vulnerable to forfeiture. This innovative and coordinated Federal investigative technique is seen as an effective tool in reducing capital assets of the traffickers; thereby immobilizing major trafficking organizations.

Conventional and proven drug enforcement methods such as informant development, undercover infiltration, and purchases of information and drug evidence continue to be used as tools in the development of both substantive and major conspiracy investigations. These activities provide for acquisition of evidence which, among other things, reinforces the credibility of testimony of government witnesses.

Also high on the list of drug enforcement priorities is the immobilization of domestic clandestine laboratory operations and the maintenance of the chemical precursor control program. The rescheduling of PCP, the rescheduling of P-2-P; and the controls placed on pipeline have resulted in past years in more effective control of the illicit manufacture of PCP, methamphetamine, and amphetamines.

Full cooperation between DEA, U.S. Customs Service, Immigration and Naturalization Service, and the U.S. Coast Guard in border interdiction activities is being maintained. DEA continues to support the border interdiction function through: (1) immediate referral of smuggling information; (2) cooperative investigations when appropriate; and (3) coordination of defendant debriefing techniques in cases not acceptable for Federal prosecution.

A major problem of domestically grown marijuana is confronting many western, mid-western, and southern states. DEA is providing assistance, within available resources, to State and local enforcement agencies in the form of air surveillance, training and intelligence necessary to identify the remotely located marijuana growing sites. Essentially, the State and local agencies will implement the domestic marijuana eradication program with DEA providing leadership, limited resources, and some investigative and intelligence assistance to meet special requirements.

Currently, the Narcotics and Dangerous Drugs Information (NADIS) system provides 24 hour/day, 7 day/week service domestically and to selected overseas offices. This capability permits more timely response to investigations of a particularly time-sensitive nature. PATINDEX (Intelligence) is and continues to be used heavily by SED's for conspiracy analysis activities.

The telecommunications methods utilized by DEA include the following:

Secure Voice: Cryptographic secure voice devices located at DEA Headquarters to provide intelligence and enforcement elements access to the United States Intelligence Community.

Speech Privacy: Commercially-available speech privacy devices to offer a deterrent against monitoring of phone calls.

Facsimile: A system which includes 130 terminals in field offices, compatible with other government agencies, and commercial firms with similar equipment.

DEA Secure Teletype System (DSIS): A leased line network that provides the capability to transmit classified and sensitive messages; traffic in support of the DEA mission domestically and through the Headquarters telecommunications center to foreign offices via Department of Defense Automatic Digital Network (ADNATN) access channels and the State Department's Diplomatic Telecommunications System.

The DEA radio communications system includes: portable radios; radios in all motor vehicles, aircraft, and boats; as well as radio base stations geographically positioned to ensure optimum communications in support of enforcement operations.

DEA has completed restructuring its Headquarters enforcement operational elements. Under the new organizational structure, four major drug enforcement investigations sections, i.e., Heroin, Dangerous Drugs, Cocaine, and Cannabis were established. Each investigative section (desk) will have the responsibility for direction and coordination of worldwide investigations for that drug category. The new structure replaces the former geographical organizational mode, domestic and foreign, and will result in significantly improved control and coordination of major investigations from drug sources (foreign) to the ultimate drug distributor organizations in major U.S. cities.

Management of DEA and FBI drug investigative activities will be closely coordinated to ensure that all resources and capabilities are utilized to the fullest extent in drug enforcement activities. Cooperative investigations involving both DEA and FBI personnel will be stressed so that such combined investigations increase significantly in the future; thereby more effectively utilizing the available resources of both agencies. DEA and the FBI have developed operating guidelines to specifically delineate drug investigative operating procedures between the two agencies. The guidelines stress maximum cooperation and coordination for program effectiveness.

Accomplishments and Workload: Nationally, in 1981, due to the combined Federal efforts, domestic and foreign, the average retail purity of heroin available at the street level was 3.9 percent at a price of \$2.35 per milligram. This is a slight increase compared to the record low level of 3.7 percent in 1979, but lower than anticipated from the sudden increase in Southwest Asian (SWA) heroin. The moderate increase in the heroin purity level can be attributed to early and accurate intelligence and dynamic enforcement action, both domestic and foreign. In the third quarter of 1982, the heroin retail purity level increased to about 5.1 percent indicating some increase nationally in heroin availability.

In 1982, DEA initiated arrests were maintained at the 7,417 level. This compares well with 1981, which had 7,776 arrests. Also, Class I and Class II case arrests combined were held at 65 percent level in 1982.

during 1979-82, efforts to reduce the availability of clandestinely manufactured dangerous drugs also increased. In 1979, there were 47 clandestine PCP laboratories seized, in 1980 there were 52 seized, and in 1981, 36. The decrease is attributed to the increased availability of the precursor chemical, piperidine, which was subjected to control on November 10, 1978, when Title III of Public Law 96-633 was enacted. In 1980, a total of 250 clandestine laboratories of all types were seized. In 1981, there were 177 laboratories seized. In 1982, 193 clandestine laboratories of all types have been seized. Based upon legislative initiatives, voluntary cooperation by the chemical industry, and investigative operations, the availability of PCP, methamphetamine and amphetamine were reduced to and maintained at lower levels during 1982.

Intelligence and enforcement operations continue to show high levels of cocaine, marijuana, and counterfeit methamphetamine supplies entering the U.S. from South America via air and sea into the Southeastern part of the U.S., particularly Florida. DEA has increased significantly its enforcement efforts in the South Florida area by establishing a special task force, on a priority basis, to combat this massive economic and social threat. The overall Federal effort of the special task force to reduce the availability of these drugs has been spearheaded by highly successful cooperative investigations by DEA, the U.S. Coast Guard, U.S. Customs Service, FBI and INS. Interdiction efforts are centered in the South Florida-Caribbean area. One of the major thrusts of these operations is and will continue to be the curbing of maritime traffic between the Guajira Peninsula of Colombia and the southeastern parts of the United States.

In the period 1979-1982, DEA has significantly increased activity in the prosecution of the financial aspects of drug trafficking by increased utilization of criminal forfeiture proceedings (21 USC 881 and 18 USC 1961-1964) against violator assets; and increased utilization of civil forfeiture proceedings (21 USC 881) against drug violator assets. During 1981, DEA seized drug related cash and property valued at \$161 million from drug violators and \$191 million in 1982. One of DEA's objectives is to seize and ultimately forfeit to the U.S. Government ever increasing amounts of drug trafficking assets. This goal is attainable without any decryptions of Class I and II level investigations. In furtherance of this objective, DEA established a special Financial Investigations Training School in May, 1979, and by November, 1982, all field special agents had completed such training.

DEA/FBI joint drug investigations increased significantly in 1981 and continued to increase in 1982. Currently, as of December 1982, there are 303 joint drug investigations in progress.

In regard to the domestic marijuana eradication program; in 1982, over 4,657 marijuana growing plots were located and eradicated by State and local police agencies in 25 States in cooperation with DEA enforcement elements. In total, over 2,590,388 marijuana plants were destroyed, 40 percent of which were seedlings.

With respect to operational support, computerized Enforcement Management Information Systems (EMIS) are under development and will be operational in 1982-1983. EMIS will enable DEA to determine by computer the number of active cases, their status, and associated investigative costs. Such information will be merged with the O-DEP System to aid management resource and policy decision making. Additionally, the manpower utilization system will provide managers with data on how agent manpower is being expended. A confidential source system will provide data on the number of informants, their utilization, and associated payments. All the aspects of these computerized information systems are currently in the developmental stages.

Program measures include the following:

Item	1981	1982	1983	Estimates 1984
Investigative Work Hours by Class of Case				
Class I.....	1,170,119	1,229,628	1,240,000	1,200,000
Class II.....	224,405	220,045	225,000	225,000
Class III.....	492,446	406,329	490,000	490,000
Class IV.....	50,115	39,569	50,000	50,000
Totals.....	1,937,165	1,895,671	1,965,000	1,965,000
IRA Initiated Arrests by Class of Case				
Class I.....	3,641	3,456	3,660	4,160
Class II.....	1,086	1,332	1,090	1,090
Class III.....	2,254	2,060	2,260	2,260
Class IV.....	785	569	790	790
Totals.....	7,766	7,417	7,800	8,300
Referral Referral Arrests.....	1,412	1,007	1,400	1,400
IRA Cooperative Arrests.....	1,447	1,213	1,450	1,450
Total Domestic Enforcement Program Arrests.....	10,625	9,637	10,650	10,650
Assets Seized (\$ in Millions).....	161	191	225	275
Classification Laboratory Seizures.....	177	193	190	190

Program Increases:

An increase of \$165,000 is requested to provide necessary funding for anticipated cost increases associated with the base vehicle procurement program.

Each vehicle is estimated to cost \$9,868; however, an additional \$456,000 is being established as the amount of sales proceeds that will be available and will be used to offset the total amount required to purchase 277 vehicles.

The total funding requirement is necessary to maintain the vehicle replacement schedule and ensure that agent personnel are provided with safe, economical, and appropriately equipped motor vehicles.

1983 requirement (277 vehicles @ \$9,868).....	2,733,436
Sale of official vehicles.....	-456,000
1983 base availability.....	-1,812,000
Increase required.....	465,436

Additionally, in 1980 and 1981, IRA did not have authority to purchase any sedan-type vehicles to replace units which had accumulated six years service and/or 60,000 miles. As a result of this situation, the IRA enforcement fleet is now badly worn and in some cases unsafe. Currently, there are 1,035 vehicles in the fleet that meet the IRA replacement criteria: 635 are over 6 years of age and 400 that are less than 6 years old but exceed 60,000 miles.

- Identify and coordinate diplomatic efforts to eliminate diversion of controlled substances from international commerce and to assist foreign governments in the design of effective regulatory programs.
- Support host country development of drug enforcement institutions through DEA training of foreign police officials.
- Promote the adoption of crop substitution and alternate income producing programs.
- Initiate over 690 new cooperative investigations of international traffickers in conjunction with foreign police officials.
- Increase efforts to collect money-flow documentation in support of joint prosecutive efforts.
- Interface South American operational efforts with domestic DEA operations and ongoing U.S. Coast Guard and U.S. Customs Service efforts directed toward drug interdiction at sea.
- Achieve over 1,300 arrests of international traffickers, thereby immobilizing major trafficking organizations.
- Encourage foreign government officials to apprehend and extradite fugitives to appropriate prosecutorial jurisdictions.
- Provide increased liaison with foreign-based U.S. military elements in order to promote effective information exchange and drug enforcement assistance.
- Collect strategic intelligence on major drug trafficking routes and groups; opium poppy, cannabis and coca growing areas; clandestine laboratory locations; and drug trafficking staging areas.
- Facilitate the rapid exchange of tactical and strategic intelligence between DEA's foreign and domestic offices, and among the numerous host countries that experience illegal drug consumption, production, or trafficking problems.
- Encourage foreign police officials to seize drug-related assets, when appropriate legal authority exists, to further immobilize trafficking organizations by removing drug trafficking profits.

Base Program Description: The purpose and principal thrust of this program is to both motivate and assist foreign source, transit, and companion victim countries in the development of drug law enforcement and ancillary programs to reduce the supply of illicit drugs produced, processed, and prepared for ultimate delivery to the United States. The primary strategy is to interdict the flow of narcotics and dangerous drugs as close to the foreign source as possible, with the aim of disrupting the international flow of drugs.

DEA foreign activities focus on the provision of expert advice and authorized investigative, intelligence, and training assistance in those foreign areas deemed most critical to the reduction of drugs destined for the U.S. A natural extension of these programs is DEA encouragement and assistance in the implementation of substantive intergovernmental information cooperation and intelligence exchanges.

Intelligence collection activities overseas are supplemented through the development and implementation of Special Field Intelligence Program (SFIP) operations. The purpose of SFIP operations is to provide funding to exploit highly specialized or unique collection opportunities against a wide variety of intelligence problems in foreign areas. These efforts are largely targeted toward collection of data on all phases of narcotic raw material production; smuggling routes and methods; trafficking and abuse patterns, as well as other matters of collateral interest, such as terrorist or financial matters relating to narcotic activities. This material--reported and disseminated through DEA channels--provides foreign, domestic and headquarters line and management personnel with detailed and accurate information which can be used for investigative as well as planning purposes.

The diversion of legitimately-produced controlled substances from international channels has become a significant problem directly affecting the United States. DEA has responded to the problem by establishing international diversion programs in Bonn, Geneva and Mexico City. Through this program, foreign countries whose drug control measures appear inadequate assume a more active role in curbing the diversion of legally-produced substances.

The major activities/techniques employed in accomplishment of the major objectives are as follows:

- o Development of sources of information knowledgeable of illicit cultivation, production, and transportation activities.
- o Undercover penetration of trafficking organizations in support of host country operations.
- o Surveillance assistance and development of evidence against major traffickers of drugs destined for the United States.
- o Providing host countries with information for effective enforcement program.
- o Participation with foreign officers in pursuing investigative leads.
- o Coordination of matters regarding extraditions, expulsions, joint prosecutions, and requests for judicial assistance.
- o Acquisition and transmittal to the United States of drug samples supplied by foreign government officers for laboratory analyses to determine the origin of drug destined for the United States.
- o Traditional drug intelligence activities conducted overseas concurrently with the foregoing involve the identification and dissemination of information collection requirements, collection against these requirements by special agents, initiation of Special Field Intelligence Programs, analytical research processing, and the production and dissemination of tactical/operational and strategic foreign intelligence.
- o Special Field Intelligence Program (SFIP) operations are designed for and aimed at fulfilling a wide variety of intelligence requirements in the areas of production, smuggling, and trafficking of narcotic raw materials including coca, opium poppy, and cannabis. The intelligence gathered is used by DEA and other senior U.S. Government officials, in coordination with host governments, for developing integrated Federal and international strategies against narcotics.
- o Liaison, which is central to the DEA foreign mission includes visits, briefings, exchanges, and contacts with foreign law enforcement officials to encourage cooperation and development of effective host country drug enforcement capability and commitment.
- o DEA conducts a variety of international training programs which are funded by the Department of State, Bureau of International Narcotic Matters: Five-week Advanced International Drug Enforcement schools, two-week in-country training schools, two to four week executive observation programs, instructor training programs, intelligence collection and analysis schools, three-week forensic chemist seminars, and expansion the International Drug Enforcement Officers Association Conference.
- o Foreign language training provided by the Department of State, Foreign Service Institute, ensures that DEA employees are equipped for their assignments in foreign countries.
- o The PAFINMAGT system and its interface to NAMIS has proven to be an invaluable enforcement/intelligence tool. This base will permit continuous on-line access to essential NAMIS data on an around-the-clock basis at 18 foreign offices.

Accomplishments and Workload:

- o MEXICO AND CENTRAL AMERICA
 - Continued to effectively implement their opium poppy eradication campaign and DEA is providing intelligence assistance as required.
 - Continued cooperation with the Office of the Attorney General of Mexico has resulted in several major ongoing drug investigations.
 - Special Field Intelligence Programs (SFIP) are continuing at a level of approximately five per year and are producing significant intelligence.
 - The DEA office in Guatemala, which has liaison with Belize, successfully encouraged the Government of Belize to allow the Government of Mexico to eradicate marijuana fields in Belize, most of which was destined for the U.S. market.
 - Working law enforcement officials are coordinating closely with DEA in the development of information regarding vessel traffic in the Caribbean.

- DEA agents in the Guatemala District Office are initiating a program for identification of suspect vessels and aircraft utilizing facilities in Belize to transit drugs to the United States.
- The overall effectiveness of drug control programs in Nicaragua and El Salvador have been restricted because of the political instability of the area.
- o SOUTH AMERICA
 - In Colombia, DEA has established an office at Barranquilla to provide increased enforcement and intelligence support to Colombian authorities.
 - The Colombian National Police Force Narcotics Unit is now fully operational and working in close cooperation with DEA.
 - Dialogue between the United States and Colombian Governments is continuing in regard to a herbicide warfare eradication program.
 - An essential chemicals control program, which has been in operation in Ruzal for some time, has been expanded to Colombia. This program serves to limit the importation of chemicals necessary to the operation of coca laboratories.
 - Peru's enactment of legislation making illegal all coca cultivation above illicit market requirements illegal, is beginning to have a major impact on illicit coca production and in the next 5-10 years the overall impact on the world cocaine supply should be significant.
- o EUROPE AND MIDDLE EAST
 - DEA intelligence probes in West Germany have identified a sizeable number of Turkish and Pakistani traffickers transporting Southwest Asian heroin into Western Europe. Quarterly reports are produced containing analysis of the changing heroin situation in Europe and Southwest Asia.
 - In Turkey, working agreements have been established to involve the Turkish National Police (INP) and the militia (Jandarma) in drug control programs.
 - In Pakistan, the United States Government will continue support of the Pakistan Narcotics Control Board (PNCB) in administering the opium production ban within Pakistan. Pakistan has shown some interest in initiating an opium eradication campaign.
 - DEA intelligence probes in Pakistan, Turkey, and Mexico have pinpointed illicit laboratory locations, identified the operators, and assessed the potential output of a number of sophisticated morphine, heroin, and opium production operations.
 - Liaison with Eastern Block Countries has steadily increased resulting in improved cooperation.
 - As a direct result of diplomatic initiatives undertaken by DEA with the assistance of the Department of State, several foreign countries have made significant advances towards curbing the diversion of locally-produced substances. In 1981, the Federal Republic of Germany, a major source and transit country of methuqualone, imposed stringent import and export control measures, ending this period, Hungary, another leading source country, voluntarily curtailed the production and exportation of methuqualone. More recently, Austria, a third producing country, curtailed methuqualone production and is taking steps to place methuqualone under control. These actions have significantly reduced the availability of legitimately-produced methuqualone for illicit purposes.
 - The Government of Pakistan has undertaken actions in the Northwest tribal areas to impact upon the heroin laboratories in that area.
 - DEA has opened offices in Freetown, the capital of the Northwest Frontier Province of Pakistan, an opium production and heroin processing area, and in Nicosia, Cyprus, a heroin transit area.
 - DEA assisted the Pakistan Narcotics Control Board in the establishment of narcotics intelligence units at the PNCB's headquarters and regional offices.
 - The narcotic laws recently enacted in the Federal Republic of Germany appear to be effective in reducing the availability of methuqualone for illicit purposes. For example, the free trade zone of Hamburg, the primary shipping/transit point for illicit shipments of methuqualone, is no longer exempt from drug control measures. Opportunity for drug diversion in the free trade zone of

Heroin has been greatly reduced, and diversion activity has declined significantly. In addition, high-level diplomatic missions have been initiated to encourage countries to adopt effective drug laws. Recent meetings with Swiss officials included discussions on German drug traffickers who are storing shipments of diverted methuamorphine in Swiss warehouses because German laws have become more stringent.

o PAR EAST

- Despite the complex problems that exist in the Golden Triangle due to insurgency, lack of central government control, and the unstable political situation, advances have been made in this area. A much stronger commitment by some governments has resulted in increased enforcement activity. However, Southeast Asian heroin continues to be readily available in world markets.
- As a direct result of DEA initiatives, host government law enforcement authorities are cooperating in investigative and intelligence sharing programs which has led to interdiction and controlled convey investigations not previously thought possible.
- Financial investigations, which target major international trafficking groups, are continuing.
- The Thai Border Patrol Police and the Thai Air Force raided the Ban Hin Tao stronghold of the Shan United Army (SUA). The SUA is required to control upward of 75% of the opiate market at the Thai/Burma border.
- An agreement was signed between Malaysia and Singapore allowing pursuit of major drug traffickers across common borders by the police force of either government.
- The Government of Thailand revised their laws to make possession of chemicals used in the refinement of heroin a felony offense in the three northern provinces that border Burma.
- The Government of Burma is seeking United States assistance in establishing an opium eradication program modeled upon the example of Mexico.
- DEA offices in Indonesia and the Philippines are supporting eradication efforts of host governments to decrease the availability of marijuana.

o CARIBBEAN

- Concentrated cooperative efforts involving U.S., Colombian and Caribbean governments have resulted in increased enforcement efforts. TIBURON III (NEA Mobile Task Force) commenced October 15, 1981, utilizing the techniques developed over the years to maximize effectiveness and to enforce a selective blockade of the Caribbean. The Coast Guard committed up to eight cutters to the operation and they constitute the principal enforcement capability.
- DEA has opened an office in Santo Domingo to enhance enforcement presence in the Caribbean. The office will work with the host government to complete a marijuana survey of the island to identify marijuana growing areas.

Program measures include the following:

Item	Estimates	
	1981	1982
Foreign Cooperative Cases Initiated.....	659	655
Foreign Cooperative Arrests.....	1,344	1,005
Intelligence Reports Prepared 1/.....	45	56
Special Field Intelligence Program Operations (SFIP) 2/.....	22	19
		22
		22

- 1/ Reports describing developments and trends in drug trafficking, and situation and geographic survey reports regarding production growth, production, and movement.
- 2/ Intelligence probes designed to supplement DEA's intelligence gathering capabilities.

Program Increases: DEA is proposing an enhanced package of 9 positions (6 agents, 1 intelligence analyst, and 2 technical/criminal positions) and \$860,000. This resource increase will enable DEA to reinforce agent strength in selected European and Middle-East offices which are critical transshipment points on the Southwest Asian trafficker routes. Also, major efforts will be initiated to establish DEA representation in Kuwait and Beirut to enhance intelligence and operations vis-a-vis Southwest Asian heroin.

Activity: Enforcement of Federal law and investigations	1983 Appropriation Anticipated		1984 Base		1984 Estimate		Increase/Decrease	
	Pos.	NY Amount	Pos.	NY Amount	Pos.	NY Amount	Pos.	NY Amount
Subactivity: Diversion Control	303	324	\$15,530	303	324	\$16,014	303	324
Diversion control.....								

Long-Range Goal: Reduce to the maximum extent possible the diversion of legitimately produced controlled substances into illicit channels at all levels of distribution, and to provide leadership and support to ensure state and local agencies and the pharmaceutical industry establish and maintain programs and policy to control diversion.

Major Objectives:

- Identify and investigate Neo/Drug Enforcement Program (N-DEP) I and II registrant violators, investigate large-scale drug problems in specific areas, and participate in joint investigations with other agencies concerning drug diversion.
- Identify and coordinate diplomatic and operational efforts to eliminate diversion of controlled substances from international commerce.
- Provide training and assistance to the States in violator targeting, investigative techniques, drug control actions, and in specific problem areas.
- Conduct preregistrant investigation of applicants for DEA registration, conduct unannounced registrant investigations, and promote voluntary compliance within the regulated industry.
- Monitor and process import/export transactions and prepare United Nations reports as required by the Single and Psychological Conventions.
- Schedule, issue according to state potential and establish production quotas and also process new and renewal DEA registration applications and issue order forms for Schedule I and II substances.

Base Program Description: This program identified as compliance and regulation in previous requests is responsible for preventing and attacking the diversion of controlled substances from legitimate channels into the illicit market. This problem is addressed by both Federal and State Governments. The Federal effort is directed at major diversions (I and II) and those handlers of substantial quantities of controlled substances. The states are responsible for monitoring and enforcing compliance of the vast majority of these registrants; however, major diversions exceeding the Federal violator standards and those involved in multi-state operations require Federal attention. Other groups with an interest in reducing the diversion problem include the pharmaceutical industry and the medical professions. DEA supports and fosters self-regulation and self-enforcement of these groups through active liaison and education. It

should also be noted that the role of the Federal Government also includes activities which are required by Federal statute or international treaties. The potential for others to perform these activities, i.e., registration, issuance of import/export permits, scheduling of drugs, establishment of quotas, etc., is minimal.

Five years ago, the President's Strategy Council on Drug Abuse reported that 7 million people used prescription drugs (barbiturates, amphetamines, and tranquilizers) for non-medical purposes. Additionally, OAO reports that legal drugs are involved in as much as 70 percent of all drug-related injuries or deaths. DEA, through its Office of Diversion Control, is the sole government agency responsible for enforcing the provisions of the "Comprehensive Drug Abuse Prevention and Control Act of 1970" (P.L. 91-513, Controlled Substances Act) as they pertain to illegitimately produced controlled substances.

There are 637,000 registrants (manufacturers, distributors, and practitioners). This program serves all American citizens by ensuring that the manufacture of controlled substances does not exceed that amount required for medicinal use and by controlling the distribution of these substances to prevent their diversion into illicit channels.

A dual approach--prevention and detection--is taken by DEA to reduce drug diversion. Most of the diversion control prevention aspects are mandated by law. DEA conducts investigations on all applicants for DEA registration. This is the first line of defense against a potential diverter. Compliance investigations destroy or witness the destruction of unwanted, surplus or seized stocks of controlled substances. Accomplished in a timely fashion, this greatly reduces the possibility of these drugs entering the illicit market. Directly addressing the prevention effort is the Voluntary Compliance program which supports and fosters self-regulation and self-enforcement among the regulated industry and professionals. Other preventive measures include the scheduling of substances and the establishment of production quotas which effectively ensure necessary controls over and limit the production of dangerous and highly abused substances. All legal handlers of controlled substances must annually register with DEA. Registration certificates and order forms for the purchase of Schedule I and II substances are issued as appropriate.

Prevention activities associated with international diversion include foreign regulatory programs established in Bonn and Mexico City, diplomatic initiatives with source or transit country foreign governments and the United Nations in requesting multinational cooperation as well as the maintenance of DEA's system of control for imports and exports of controlled substances. As required by the Single and Psychotropic Conventions, DEA provides quarterly and annual reports to the United Nations concerning import, export and production activities. As the United States is a party to these conventions, DEA must report to U.N. World Health Organization inquiries by preparing background papers for the U.S. Government's position on substances under consideration for international scheduling.

Detection of drug diversion often goes hand-in-hand with prevention. An excellent illustration of this is the Cyclo investigation program which consists of regularly scheduled checks (generally every three years) on non-practitioner registrants designed to uncover security breaches, inventory discrepancies, etc. In addition to detecting violations of this nature, the cyclo investigation program acts as a deterrent because every registered manufacturer or distributor knows that at some point in time its practices will be reviewed and that violations could result in administrative, civil or criminal action. DEA has recently revised the criteria upon which cyclo investigations are based resulting in more workyears being devoted to potentially violative firms and less time spent on firms with no diversion history or which do not handle the more common drugs of abuse.

The Targeted Registrant Investigation Program (TRIP) is an outgrowth of Operation Script which showed that certain violative practitioners were O-DEP I and II level violators responsible for diverting millions of dosage units into the illicit traffic. The complexity of these

Investigations and the development of multi-state operations under it both impossible and inappropriate for states to address the diversion problem without Federal assistance. DEA's targeting procedure consists of identifying violators by state. All violators in each state are then ranked one through five according to anticipated priority for an investigation. These state lists are then combined into an overall ranking. A profile is developed on all registrants on the prioritized list utilizing the Automated Reports and Controlled Order System (ARXOS), which tracks substance from point of distribution or export to the dispensing level, and the Drug Abuse Warning Network (DAWN), which provides hospital emergency room and medical examiner data on drug abuse episodes, as well as other Federal informational sources. Through this process certain violators will surface as clearly justifying Federal investigative effort in line with G-122 criteria. Preliminary investigations (generally less than 80 hours) are conducted to corroborate this. If a G-122 I or II violator is not indicated, the profile and all other available information are referred as an integrated package to the appropriate state, where the primary responsibility for practitioner diversion lies. Only those practitioners on the conceptual "violation pyramid", whose activities appear to be either a conspiratorial or violative nature as to warrant immediate and appropriate Federal attention are referred to DEA compliance investigators for action. The vast majority of actions against practitioner registrants continues to be handled at the state level. Most states routinely request ARXOS profiles to assist them in conducting registrant investigations.

Accomplishments and Workload: In 1982, 736 cyclo investigations were performed and 1,063 pre-registration investigations were performed. The number of pre-registration investigations represents an approximate 50 percent decrease from 1981. This was due to a National Cancer Institute (NCI) research project instituted during 1981 which required the registration of approximately 1,000 hospitals as researchers. The additional workload required in 1981 for this project came from cyclo investigations. Also, 128 investigations were performed under the auspices of the Targeted Registrant Investigation Program (TRIP). Through the efforts of this program, criminal arrests rose from 84 in 1981 to 141 in 1982. Investigative activity also resulted in 19 civil prosecutions, 33 administrative hearings and 174 letters of admonition. During 1982, civil fines and criminal penalties related to program activities amounted to 2.5 million dollars.

The International Diversion effort has made significant progress in curtailing the availability of methuamaine on the illicit market. During the past year, Germany, Hungary, Austria, and more recently, the People's Republic of China (PRC), have responded favorably to diplomatic initiative on this subject. This means that all known major European source countries as well as the PRC have now agreed to reduce or cease methuamaine production and to place strict controls on its exportation. The effectiveness of these efforts in reducing the availability of methuamaine for illicit purposes is demonstrated by the fact that seizures of methuamaine have decreased from over 57,000 kilograms in 1981 to less than 11,000 kilograms in 1982. The DEA is closely monitoring the substitution of other products especially the benzodiazepines such as diazepam and medazepam for the now scarce methuamaine on the illicit market. In addition, it is actively supporting the international control of the benzodiazepines under the Psychotropic Convention in an effort to more effectively deal with this problem. Another chemical which is being closely followed is the diversion of illicitly produced products containing codeine from both Canada and Mexico into the United States. Measures are being developed to counteract this problem based on data which was obtained during recent diversion studies along the United States-Mexican border and United States-Canadian border.

DEA's intensive investigative activity against selected drugs of abuse has been productive. DEA has accumulated sufficient data to provide for reduced quotas relating to the production of methuamaine. In 1982, 36 percent less methuamaine was permitted to be distributed than in 1981.

The Voluntary Compliance program interfaces with trade and professional associations, licensing boards, and professional schools having major emphasis on self-regulation and self-policing. In 1982, DEA participated in 11 national meetings and numerous state and local meetings using the DEA national exhibit and 29 portable exhibits. The four DEA Working Committees for Industry, Pharmacy, Drug

wholesalers, and medicine continue to provide the agency with a forum for discussing matters of mutual concern and provide an avenue to resolve potential problems before they develop into adversarial confrontations.

The DEA has successfully implemented a new regulation governing the importation of narcotic raw materials. The regulation limits both the number of countries from which narcotic raw materials may be exported to the United States and the quantities which may be purchased from these countries. The regulation was necessitated by international treaty obligations and represents a significant step toward restoring a balance between supply and legitimate demand on the world market.

The Drug Control program has continued to initiate scheduling actions in response to new drugs of abuse and different trafficking patterns. Drug scheduling actions included the Schedule IV control of the sedatives, halazepam and alprazolam, the Schedule I control of the stimulant, N-ethylamphetamine and the proposed Schedule I control of paroxetine, a tri-azolo. DEA staff monitored the look-alike problem, assisted in drafting model legislation, prepared Congressional testimony, and served as an interagency task force to develop and implement Federal policy. Drug reviews were initiated on the hallucinogen, 3,4-methylenedioxy-methylamphetamine (MDA) and 4-propionoxy-4-phenyl-N-methylpiperidine, a morphine analog.

Scheduling actions completed were less than were projected for 1982. The World Health Organization (WHO) recommendations on the benzodiazepines (Valium, Librium, et al) and the agonist-antagonist (Talwin, et al) drugs were not acted upon by the U.N. Commission on Narcotic Drug (CND). The WHO reviewed more benzodiazepine in September 1982 and will again review the agonist-antagonists in early 1983. The benzodiazepine data package was updated and resubmitted to the WHO. The DEA data package was used by a WHO Expert Committee in concluding that 26 benzodiazepines should be controlled under the Psychotropic Convention. An extensive report on the abuse of Talwin and the public health consequences of such abuse has been prepared for the early 1983 Expert Committee review. Reports were also prepared on four additional agonist-antagonist substances.

Other activities relating to U.N. matters included the drafting of resolutions and position papers for use of the U.S. delegation to the annual CND meeting. Staff members participated in the 1982 WHO Expert Committee on Drugs meeting and WHO consultative meeting to revise guidelines on preparations exempted from provisions of the Psychotropic Convention.

DEA's Drug and Chemical Watch Manual, designed to assist Customs border personnel in detecting the illegal importation of drugs and the chemicals used in the manufacture of drugs, has been widely distributed to U.S. Customs personnel. Foreign versions of the manual, in French and Spanish, have also been widely distributed to foreign Customs and drug control authorities to identify and intercept illicit shipments of drugs and chemicals used in the manufacture of drugs in international commerce. Quotas limiting national production of Schedule I and II drugs were established and reports of production and inventory of these substances were submitted to the United Nations in accordance with U.S. treaty obligations.

Methodology has been developed to provide investigative leads for the TRIP involving a technique of combining DEA information systems, primarily based on ARODS data, to identify individuals associated with drug diversion.

Registration applications of all legitimate handlers of controlled substances are being processed and order forms for Schedule I and II substances are being mailed as required by the CSA.

Program measures include the following:

Item	1981		1982		Estimates	
	Perm.	WY Amount	Perm.	WY Amount	1983	1984
Cyclic Investigations Conducted.....		547		736	736	736
Complaint Investigations Conducted.....		297		320	320	320
Pre-Registration Investigations Conducted.....		2,035		1,064	1,064	1,064
Import/Export Documents Processed.....		1,814		1,724	1,645	1,645
Foreign Regulatory Programs.....		3		6	6	6
ARCOS Profiles Prepared.....		286		325	400	400
Scheduling Actions Completed.....		9		3	15	8
Quotas Established.....		460		400	428	400
Registration Applications Processed.....		625,171		637,000	688,672	686,000
Order Forms Books Issued.....		322,258		315,000	310,201	300,000

Activity: Enforcement of Federal Law and Investigations Subactivity: State and Local assistance	1983 Appropriation Anticipated		1984 Base		1984 Estimate		Increase/Decrease	
	Perm.	WY Amount	Perm.	WY Amount	Perm.	WY Amount	Pos.	WY Amount
State and local training.....	25	24 \$1,740	25	24 \$1,803	25	24 \$1,803	...	...

Long Range Goal: Expand significantly and economically the personnel resources available nationwide at all levels of government for the control of drug abuse and trafficking. The training programs are consistent with 21 U.S.C. 872 (Comprehensive Drug Abuse Prevention and Control Act of 1970, 21 U.S.C. 801-966) and Executive Order 11641 of 1972, as amended by the President's Reorganization Plan No. 2 of 1973.

Major Objectives:

- Provide training in basic, advanced, and specialized drug law investigative techniques and methodologies to State, local, military, and other Federal officers and chemists.
- Provide training in management and supervision of drug investigative units for State, local, military, and other Federal professionals.
- Provide information, publications, films, and other materials and displays on controlled substances, drug abuse and its problems to the public, community leaders, criminal justice agencies and associations, CSA registrants, and educational and health professionals.
- Respond to consumer inquiries and complaints.

Base Program Description: The purpose of the State and local training program is to expand DEA's enforcement and drug abuse suppression efforts by increasing the cooperation between law enforcement agencies at all levels of government in the United States and convey changes

in national priorities and strategies to all levels of drug law enforcement effort; develop required training programs and determine resource requirements to provide increased skills to Federal, State, and local police agencies and military offices; and utilize all available resources where appropriate to gain the benefits from greater expertise and prevent duplication of effort.

DEA has primary responsibility for developing a national drug abuse control strategy. The enforcement, drug supply suppression, and prevention programs must be adequately communicated to State, local, military, and other Federal officials if DEA's national strategy is to have full impact.

National manpower being brought to bear against the illicit drug traffic is increased and made more efficient if State, local, military, and other Federal law enforcement agencies can be sufficiently trained or brought up to date in the skills peculiar to drug law enforcement and suppression. This approach also frees Federal resources for concentration on high level national and international drug trafficking organizations.

Changing strategies, like the increasing emphasis on the financial aspects of drug enforcement, require an intensified effort through an increase in specialized training programs so that new techniques can continue to be conveyed to those non-DEA participants to provide more effective means of controlling the drug abuse problem.

With the exception of the Forensic Chemist Seminars, those State and local training programs previously conducted at DEA headquarters are now conducted at the Federal Law Enforcement Training Center (FLETC), Glynnco, Georgia. These programs and those conducted throughout the United States provide a variety of basic, advanced, specialized, management, leadership, and methods of instructional training. (The Forensic Chemist Seminars remain in Washington, D.C., because there is no laboratory at FLETC). The general public and community leaders are reached through publications, displays, and conferences concerning the awareness and prevention of drug abuse.

DEA had experienced a decline in enrollment in the programs conducted by the National Training Institute at headquarters due to the high cost of lodging and meals in the Washington, D.C., area, coupled with the reduced FEMA funding for State and local assistance. The 1981 relocation to FLETC has enabled law enforcement agencies to provide the necessary funding for their officers' attendance at DEA-sponsored training programs.

Accomplishments and Workload: DEA is constantly shifting emphasis in training programs based on changing trends in the illicit trafficking of narcotics and dangerous drugs. There is a continuing demand for advanced and specialized skills training such as conspiracy, financial investigations, clandestine laboratory investigations, and criminal compliance.

By the end of June 1983, DEA will have completed in-depth narcotic specialization training for approximately 500 FBI agents and narcotics orientation training for the majority of remaining FBI agents to maximize effectiveness and efficiency in the enforcement of drug laws.

Training in the development and conduct of narcotics specialization and in narcotics unit management provides a multiplier effect through which DEA is ensuring that its training and expertise are passed on to even larger numbers of officers. Over 90 percent of graduates of the Drug Enforcement Officers' Academy report that they utilize their DEA training in training other law enforcement and community personnel.

The American Counsel on Education awards 17 semester hours of undergraduate credit to participants who successfully complete the eight-week Drug Enforcement Officers' Academy and four semester hours of undergraduate credit for the two-week Basic Drug Law Enforcement School.

Item	1981		1982		Estimates 1983		Estimates 1984	
	Ferm. Pos.	NY Amount	Ferm. Pos.	NY Amount	Ferm. Pos.	NY Amount	Ferm. Pos.	NY Amount
State and local officials trained:								
Training Programs Conducted by Headquarters.....		144	140		120		140	
Training Programs Conducted by Regions.....		4,906	3,182		3,400		3,400	
FBI Special Agents Trained:								
Narcotics Specialization Training.....		...	288		222		250	
Narcotics Orientation Training.....		...	6,954		300		300	
Activity: Reinforcement of Federal law and investigations								
Sensitivity: State and local assistance								
State and local laboratory services.....								

Long Range Goal: Provide support to State and local law enforcement agencies engaged in drug prosecutions through analysis of drug evidence and assist State and local agencies to achieve forensic analytical self-sufficiency.

- ° Assist State and local laboratories to achieve self-sufficiency through publication of technical information and participation in forensic scientific meetings; providing training in forensic drug analytical techniques; and supporting programs that assist in expanding State and local laboratory capabilities.
- ° Provide analysis of drug evidence for those agencies that have specialized examinations for those agencies that have laboratories but do not have the necessary expertise or instrumentation.
- ° Provide expert testimony in courts relative to analytical findings for prosecutive purposes.
- ° Provide analytical drug reference standards where there is no commercial source.
- ° Conduct ballistics examinations of tablets and capsules to identify common origins of clandestinely-produced dosage units and to identify illicitly-manufactured dosage units diverted to the illicit market.
- ° Assist the Federal Bureau of Investigation (FBI) by providing reference materials for their centralized automated data system for the on-line retrieval of infrared spectral data--Criminalistics Laboratory Information Services (CLIS).

Base Program Description: The State and Local Laboratory Services program is responsible for providing technical assistance to State and Local agencies which to beyond the expertise of the forensic laboratory servicing the agency and for helping State and Local Forensic Laboratories achieve self-sufficiency in the analysis of drug evidence for criminal investigations and prosecutions.

This program includes seeking means in which to upgrade the analytical capabilities of State and local laboratories; DEA offers assistance when state and local agencies cannot provide proper laboratory services or need technical assistance in the development of prosecutive presentation and cross-examination of defense expert witnesses. The major component in the analysis of drug evidence for duly constituted State, county, and municipal law enforcement agencies, assuring that cases developed will not be dismissed for want of competent laboratory support. This program, in conjunction with other assistance programs, will help focus State and local law enforcement attention on the appropriate response to the drug problem.

Additionally, DEA assists other agencies to achieve forensic analytical self-sufficiency by conducting training in drug analytical techniques, publishing and distributing the scientific newsletter Microgram which provides intelligence and technical information to the forensic community, publishing technical information in scientific journals, participating in national and local forensic meetings, and providing analytical drug reference standards.

This program also analyzes drug exhibits in a timely manner to assist in complying with State Speedy Trial provisions in support of prosecutions, provides expert testimony and conducts highly-specialized ballistics analysis of tablets and capsules to identify common origins of licit and illicitly-produced dosage units diverted to the illicit market. Expertise in the ballistics examination of drug dosage units rests solely with DEA.

DEA renders forensic analytical support to the Metropolitan Police Department, Washington, D. C. (MPDC). More than half of the drug exhibits DEA analyzes for other agencies are submitted by the MPDC, which is completely dependent on DEA for forensic drug analysis. Related to this analytical commitment is the resultant need to offer expert witness testimony in the D.C. Superior Court.

In general, other evidence analyzed within the State and local program is of an unusual or difficult nature and is analyzed by the DEA laboratory system as an aid to State and local forensic laboratories less capable of performing such analyses.

Accomplishments and Workload: In support of other agency drug investigations during 1982, DEA laboratories analyzed 8,431 exhibits of evidence, testified in 120 trials, conducted 417 ballistics examinations, published 12 issues of Microgram, and conducted four State and Local Forensic Chemist Seminars to train over 200 chemists. Additionally, DEA actively participates in regional, national, and international forensic science organizations by holding officer positions, participating on committees, and presenting scientific papers.

In 1982, further reductions in State and local evidence analyses were anticipated, however, due to an increasing influx of evidence submissions from the MPDC, Washington, D.C., the number of analyses were 8,431. A reduction to 6,000 analyses for 1983 and 6,000 analyses for 1984 are predicted as a result of established DEA policy on acceptance of State and local evidence and designated priority. At these levels, approximately 80 percent of the workload is generated by the MPDC.

Program measures include the following:

Item	Actual		Estimates	
	1981	1982	1983	1984
Drug Exhibit Analyses.....	10,712 1/	8,431	6,000	6,000
Ballistics Examinations.....	417	189	200	200
Issues of Microgram.....	12	12	12	12
Training Conducted (Seminars).....	4	4	4	4
Court Appearances.....	204	343	120	120
Evidence Picklog.....	327	396	1,687	2,967

1/ Includes analyses for other Federal agencies.

Activity: Enforcement of Federal law and investigations	1983 Appropriation		1984 Estimate		Increase/Decrease	
	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount
Subactivity: State and local assistance	122	119	122	119	...	...
Federal/State and local task forces...	122	119	122	119	...	...

Long Range Goal: To complement the Federal drug enforcement effort by increasing the effectiveness of Federal/State and local drug enforcement activities aimed towards reduction of all levels of illicit drug trafficking and associated violent crime.

Major Objectives:

- Disrupt the illicit drug traffic in specified geographic areas by immobilizing targeted violators, trafficking organizations, and associated violent crime.
- Increase the effectiveness of participating agencies by providing extended on-the-job training to assigned officers and exposing them to the benefits of selective targeting.
- Improve operational interaction among all agencies participating in the task forces.
- Encourage participating agencies to establish investigative priorities which emphasize those drugs posing the greatest danger to society in accordance with local needs and problems.
- Increase the effectiveness of drug law enforcement agencies in the local area who are not participating in the task force, by providing direct assistance, intelligence information and other support.
- Provide for the development and maximum use of intelligence information through enhanced coordination.
- Increase the participation of experienced State and local officials in the initial drug enforcement effort and thus maximize the use of Federal resources devoted to the drug problem.

Base Program Description: The DEA/State and Local Task Force program unites DEA agents and State and local police officers into cohesive drug enforcement units in selected geographic areas to provide: increased emphasis on drug enforcement, inter-departmental and inter-agency drug investigative cooperation, continuous intelligence exchange, and mitigation of violent crime. As a result of the expanded DEA/FBI coordination of drug enforcement efforts, FBI resources will be available to State and local task forces to fulfill special enforcement and intelligence requirements.

DEA/State and local drug enforcement is an essential element of the national drug strategy for the following reasons:

- State and local police, due to their large aggregate numbers, can add significantly to the absolute number of personnel in the field involved in an integrated effort against illicit drug traffic and violent crime.
- State and local police are widely dispersed throughout the nation and therefore can provide full geographic drug enforcement coverage.
- State and local enforcement efforts can disrupt the retail illicit drug market, maintain pressure on drug dealers, and increase the cost of their illicit drug operations; thereby discouraging experimental drug users from progressing to chronic abuse.
- State/local drug enforcement and Federal enforcement programs both develop investigatory leads, informants, and intelligence which are of mutual benefit; thus strengthening the drug enforcement efforts of both programs.

Currently, DEA Federal/State and Local Task Forces are fully operational in 19 geographic areas: New York, Long Island, Buffalo, Rochester, Newark, Philadelphia, Washington, D.C., Orlando, Chicago, Minneapolis, Denver, St. Louis, Lubbock, Phoenix, Portland, Los Angeles, San Diego, San Jose, and Miami.

The DEA/State and Local Task Force program has proven itself an effective complement to the Federal drug enforcement effort by increasing the effectiveness of State and local drug enforcement activities aimed toward disruption of all levels of illicit drug trafficking. As part of a comprehensive national and international drug effort by Federal elements and their State, local, and foreign counterparts, the Task Force program plays a critical role by attacking the mid-level violator, the link between the supplier and consumer. With disruption or removal of this link, the cycle of drug production and consumption--supply and demand--would be significantly impeded. Furthermore, the Task Force program provides DEA access to the lower levels of the trafficking spectrum, where investigations of new or unknown trafficking organizations are generally initiated, without a major investment of Federal resources.

Accomplishments and Workload: In 1981-82, the task forces continued to elevate the level of cases in which they were involved, directing available resources to bear on drug law enforcement and associated violent crime with a similar Federal force. In 1981, 46 percent of task force investigative workhours were targeted at heroin traffickers, an area where efforts against the mid-level violator are especially critical. In 1982, the Task Forces maintained a similar high proportion of their investigative hours directed against heroin traffickers. The overall task force conviction rate for 1981 was 95 percent in Federal courts and 98 percent in State courts. These conviction rate levels have continued into 1982. The task force program resulted in 2,722 arrests in 1981 and 2,554 in 1982. It is significant to note that, while DEA has committed approximately 11 percent of its total investigative workhours to task forces, these resources have consistently achieved over 2,500 arrests per year. Approximately 34 percent of task force arrests continue to be in the Class I and II case category. In 1982, 61 percent of task force investigative workhours were devoted to Class I and II investigations.

Program measures for this decision unit include the following:

Item	1981	1982	1983	1984
New Investigations Initiated.....				
Arrests by Class of Case.....	1,732	2,440*	1,600	1,600
Class I.....	503	640	470	470
Class II.....	338	237	320	320
Class III.....	953	936	890	890
Class IV.....	928	741	870	870
Totals.....	2,722	2,554	2,550	2,550
Investigative Workhours by Class of Case				
Class I.....	104,850	96,492	78,900	78,900
Class II.....	28,517	26,711	21,400	21,400
Class III.....	57,006	70,041	43,000	43,000
Class IV.....	9,134	7,516	6,700	6,700
Totals.....	199,515	200,760	150,000	150,000

* Includes 234 Investigations of the Florida Task Force Group.

Activity: Intelligence	1983 Appropriation Anticipated		1984 Base		1984 Estimate		Increase/Decrease	
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount
Intelligence.....	298	285 \$14,435	298	285 \$14,435	298	285 \$14,906	...	...

Long Range Goal: To develop and maintain a national and international drug intelligence system that provides a wide range of tactical, operational, and strategic products and services required by DEA and other Federal, State, and local agencies for use in policy development, planning, and enforcement operations, to promote the most effective utilization of resources against national and international narcotics trafficking systems.

Reorganization Plan No. 2 of 1973 requires that DEA develop and maintain a National Narcotics Intelligence System in cooperation with Federal, State, local, and foreign officials. Legal authorization for this program is contained in Reorganization Plan Number 2 of 1973 Executive Order 11727, Attorney General's Order 520-73; and the Controlled Substances Act, Section 503 (a)(4) of the Controlled Substances Act directs the Attorney General to "maintain in the Department of Justice a unit which will accept, catalog, file, and otherwise utilize all information and statistics, and make such information available for Federal, State, and local law enforcement purposes."

Major Objectives:

- Support law enforcement activities by providing tactical and operational products and services which identify and analyze drug traffickers and their organizations.
- Exchange intelligence information with worldwide counterparts and cooperating agencies in order to provide optimum support to drug enforcement operations.
- Provide intelligence support to Federal, State and local law enforcement organizations through the use of interagency resources at the El Paso Intelligence Center (EPIC).
- Provide funds and support for Special Field Intelligence programs to identify and fill critical information gaps in drug priority areas.
- Collect and disseminate strategic intelligence to provide management at all levels with the information needed to apply resources effectively and appropriately.

Base Program Description: The Intelligence program supports DEA Headquarters and field elements (including Federal, State, local and foreign counterparts) in a wide variety of efforts to suppress national and international narcotic trafficking through systematic collection, analysis, production and dissemination of tactical, operational and strategic domestic and international intelligence information. Major program components include: TACTICAL AND OPERATIONAL INTELLIGENCE: Manual and automated investigative research and intelligence production supporting a wide variety of DEA investigative efforts directed against the highest levels of traffickers and their operations, both nationally and internationally, with the goal of immobilization of operations and confiscation of assets and resources; STRATEGIC INTELLIGENCE: Long-range collection, analysis and production of intelligence designed to provide DEA and U.S. Government managers with insight into a variety of drug-related topics and issue areas normally encountered at the national, international or program oversight levels; EL PASO INTELLIGENCE CENTER: A Federal interagency effort (administered by DEA) designed to promote and facilitate interagency investigation and intervention support and intelligence production and exchange, with formal participation by 47 State, local and territorial law enforcement agencies; DOMESTIC INTELLIGENCE: Direct, on-site investigative research and intelligence production support to DEA field elements across the United States in furtherance of a wide variety of enforcement, intelligence, liaison and information exchange efforts between Federal, State, and local law enforcement agencies; Special Field Intelligence Program (SFIP) an extensive intelligence collection program designed to fill critical operational and strategic intelligence gaps in support of various DEA activities in the U.S. and abroad.

Accomplishments and Workload: Intelligence Program components at Headquarters and in the field were involved over the past year in a wide variety of support efforts related to the full range of intelligence and investigative problems faced by DEA. Among the most significant were the following:

- Development and refinement of a new reporting medium, the Intelligence File Review (IFR), which provides investigators and prosecutors alike with a detailed and authoritative source of case-related intelligence material on narcotics traffickers, their associates and operations.
- Headquarters and field office intelligence resources provided extensive direct, on-site support to the Florida Joint Task Force, delivering tactical and operational intelligence support which assisted in disrupting narcotic trafficking operations in the South Florida area.

- DEA intelligence resources targeted against Organized Crime operations were actively involved as the lead elements in several joint investigative efforts with the FBI and the U.S. Attorneys Office against international LCN heroin and cocaine trafficking activities. These efforts have also contributed to the development of Special Enforcement Operation and to increased exchange of organized crime-related intelligence.
- DEA intelligence resources targeted against drug-related arms smuggling assumed the lead in consolidating information from a wide variety of sources which was used to provide multi-agency briefings--including several briefings to key Congressional Committees--and which was used in the indictment of 14 subjects, including 4 foreign government officials, on associated charges.
- Intelligence support provided to the complex Judge Wood assassination case was instrumental in facilitating the successful prosecution and conviction of four principal suspects in the case. Prosecution of the principal figure in the case--will utilize extensive DEA-generated intelligence information.
- DEA intelligence resources targeted to support financial investigative efforts were instrumental over the past year in assisting INA field elements to seize over \$7 million in assets from traffickers in the New York and South Florida areas. They have also been involved in liaison activities with the Federal Reserve Bank, the Internal Revenue Service (IRS), INTERPOL and foreign government counterparts to broaden law enforcement capabilities against trafficker assets.
- DEA Strategic Intelligence elements--in conjunction with NIDA's Epidemiology and Statistics Division--have developed and initiated a series of information probes in 5 major U.S. cities which will measure the street-level trafficking and availability of cannabis, cocaine and dangerous drugs. In conjunction with the Domestic Monitor Program for heroin, these probes should provide DEA and other government officials with added insight into the various drugs abused in the U.S.
- DEA Strategic Intelligence elements have been involved in a series of survey activities which have assisted INA managers and other U.S. Government agencies to more accurately assess the dimensions of marijuana cultivation in Colombia and Belize, in central America.
- Additional probes are planned which will provide further insight into coca production in Colombia.
- EPIC has been designated as a central point for the collection and dissemination of information from various Department of Defense elements in conjunction with the implementation of the amended posse Comitatus Act. This joint activity has been concentrated mainly in suspect aircraft and vessel sighting activities.
- During 1982, EPIC processed approximately 190,000 Transactions from Federal, State, local, and territorial subscribers. EPIC instituted over 7,000 separate lookouts on individuals, aircraft, and vessels. During that same time period, EPIC lookouts accounted for the seizure of over 3 million pounds of marijuana, 11,000 pounds of hashish and 3,450 pounds of cocaine. In addition, 146 aircraft and 156 vessels were seized in connection with lookout activity.

Program measures include the following:

Item	Estimates		
	1981	1982	1983
Intelligence Reports.....	675	750	525
Special Field Intelligence Programs.....	18	7	7
Enforcement Support Activity.....	4,500	4,600	3,250
Information Responses.....	50,000	17,000	12,500
El Paso Intelligence Center Transactions.....	220,000	190,000	275,000

Activity: Research and Engineering

1983 Appropriation Anticipated		1984 Base		1984 Estimate		Increase/Decrease Perm.	
Perm.	NY Amount	Perm.	NY Amount	Perm.	NY Amount	Perm.	NY Amount
Pos.		Pos.		Pos.		Pos.	
17	16 \$2,164	17	16 \$2,283	17	16 \$2,283	...	...

Research and Engineering.....

Long Range Goal: To support DEA's enforcement and intelligence programs by providing engineering development for technical investigative equipment and research and engineering studies.

- Major Objectives:
- Increase the quantity of investigative evidence by providing quick-reaction (ad litem) support to current field operations and special services in the areas of evidence tape processing and short-term investigative equipment modification and development.
 - Develop new or improved technology and procedures to increase efficiency of agency field operations by conducting applied scientific research and engineering development.
 - Provide scientific and technological information, training, coordination and liaison services for DEA and other law enforcement agencies.

Base Program Description: The Research and Engineering program supports DEA's enforcement and intelligence efforts and consists of:

- Technology Development for new and improved technology to support agency field operations and long-range operational requirements. Typical applications are special protective equipment for special agents, vehicle tracking equipment and various types of surveillance equipment.
- Quick Reaction Support (QRS) for ongoing investigations in terms of short-term technical development and special engineering services. Typical applications are for covert installations of surveillance equipment, technical investigative equipment modifications and evidence tape enhancement.
- Research and Engineering Design Studies are conducted for major system acquisitions and mission-oriented programs. Typical applications are agency-wide communications configurations, Voice Privacy radio communications systems and Automatic Data Processing (ADP) security threats.

Accomplishments and Workload:

- Workload inputs under the technology development objectives are defined as requests/requirements for the application of new or significantly-improved technology which will usually require (1) contractor support, (2) a funding level of \$50,000 to \$500,000, and (3) from one to three years to complete. During 1982, four developments have been completed and are now undergoing operational testing and evaluation. During 1983, there will be the operational deployment of earlier developments and the start of five new developments.
- Technical Services consists of QRS requests initiated by special agents and require a short response time to complete, usually from a few hours to several days. This direct support of field operations includes the design and fabrication of special devices and tracking transmitters such as the concealment of these devices in assorted packages, the preparation of pseudo-narcotics, and audio tape

recording enhancement which significantly enhances the intelligibility of tape recordings used for evidentiary purposes. Off-the-shelf hardware of prior developed techniques and materials are generally used for these efforts. In 1982, 125 QRS tasks were completed. In 1983, 125 QRS tasks are projected.

- Research and Engineering Design Studies workload inputs are requests/requirements for the analytical support for major studies or taskings. Based upon the estimated size of effort required, they are usually completed within two years with the publication of a final report or technical memorandum or prototype equipment. Major studies usually require support with funding levels of \$50,000 to \$500,000 and no more than two years to complete. There has been an effort to perform more studies with in-house staff requiring 3 or 4 staff members for a study and more than 6 months to complete. This change in emphasis toward in-house efforts increases cost efficiency measured in dollar expenditures.

In 1983 an operational test and evaluation of an earth-orbiting satellite radio communication system is planned to support DEA operations in remote locations.

In 1983 an operational automatic dialing number recording and analysis system will be completed and field tested.

Activity: Support Operations	1983 Appropriation Anticipated			1984 Base			1984 Estimate			Increase/Decrease		
	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount
DEA laboratory services.....	174	162	\$9,174	174	162	\$9,586	190	174	\$12,044	16	12	\$2,458
DEA training.....	34	33	3,255	34	33	3,372	34	33	3,372	...	...	...
Technical operations.....	185	177	17,337	185	177	17,165	185	177	18,925	...	...	1,760
ADP and Telecommunications.....	110	103	15,930	110	103	16,355	120	110	18,327	10	7	1,972
Records management.....	91	87	3,293	91	87	3,416	91	87	3,416	...	...	...
Total.....	594	562	\$48,989	594	562	\$49,894	620	581	\$56,084	26	19	\$6,190

This activity encompasses laboratory analysis of evidence in support of investigation and prosecution of drug traffickers; training programs for all levels of DEA operational personnel; provision of technical investigative resources and expertise at levels commensurate with DEA's enforcement initiatives and strategies, and provision of ADP and record management support to all DEA operating entities.

Activity: Support Operations	1983 Appropriation Anticipated			1984 Base			1984 Estimate			Increase/Decrease		
	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount
DEA laboratory services.....	174	162	\$9,174	174	162	\$9,586	190	174	\$12,044	16	12	\$2,458

Long Range Goal: Support the enforcement mission of DEA through analysis of drug evidence and related forensic services by satisfying the forensic laboratory needs of DEA's enforcement and intelligence activities. Provide forensic drug laboratory support to the Federal Bureau of Investigation (FBI) which has concurrent jurisdiction for the enforcement of Federal drug laws. Additionally, other Federal and foreign drug law enforcement officials will receive the training and assistance required to complement and enhance the mission of DEA.

Major Objectives:

- Comply with the Speedy Trial Act of 1974 through timely analysis of DEA and FBI drug evidence.
- Contribute to the successful prosecution of drug law violators through the presentation of expert testimony in court.
- Provide field assistance (clandestine laboratory investigations and seizures and vacuum sweeps) to DEA and FBI special agents.
- Assist DEA and the FBI in the development of conspiracy cases, the monitoring of foreign drug distribution patterns, and the determination of origin of controlled substances in illicit channels by conducting in-depth and signature analyses.
- Provide information on the retail level price and availability and the domestic distribution patterns of heroin through signature analysis of Domestic Monitor program evidence.
- Conduct ballistics examinations on DEA and FBI evidence (tablets, capsules, and papers) to identify common origins of clandestinely-produced dosage units and to identify illicitly-manufactured dosage units diverted to the illicit market.
- Improve forensic capabilities of law enforcement agencies worldwide by conducting a series of technical assistance programs, providing leadership in international communications among forensic scientists, and assisting foreign countries in the prosecution of drug law violators.
- Assist other Federal agencies that require DEA laboratory expertise in forensic drug examination. It should be noted that in previous years this assistance has been an objective of the State and local laboratory services program and is now identified in the DEA Laboratory Services program as of 1982 and 1983 to properly reflect DEA's role as the lead agency in Federal drug enforcement.

Base Program Description: The DEA forensic laboratory system, which is comprised of seven field laboratories and the Special Testing and Research Laboratory is responsible for accomplishing the following: analyzing drug evidence; providing expert scientific testimony for prosecutive purposes; participating in clandestine laboratory investigations and seizures and providing photographic capabilities; providing examinations for latent fingerprints; conducting special training; conducting vacuum sweeps for traces of drugs; conducting in-depth and signature analyses of drug evidence; providing scientific assistance and ballistics examinations of tablets, capsules and papers for source identification.

The DEA Laboratory Services program utilizes the System to Retrieve Information from Drug Evidence (SMRIDE) which is described more fully under the ADF and Telecommunications program. This is a series of inter-related computer systems designed to support enforcement and intelligence operations through the processing of data generated by the DEA laboratories. SMRIDE provides data regarding evidence examined by DEA laboratories to produce information which is used to determine trends in drug abuse and trafficking of narcotics, to warn of new drugs of abuse, and to identify common sources of illegal drugs. The system is also used to provide information on illegal distribution of illicitly produced drugs, data on the availability of drugs on the street, statistics on drug removal, and a system for monitoring the locations of evidence items. Information from the system is provided to local, State, Federal, and foreign law enforcement agencies. SMRIDE is also a management tool to assist in measuring laboratory effectiveness and allocating resources. The subsystems of SMRIDE are: Laboratory analysis program; ballistics program; laboratory manpower utilization program and evidence inventory program.

The expeditious analysis of drug evidence submitted by DEA and FBI special agents and the presentation of expert testimony in court is essential to the successful investigation and prosecution of drug law violators and is therefore the primary purpose of the DEA Laboratory system. The timely analysis of drug evidence is an integral aspect of DEA's compliance with the Speedy Trial Act of 1974.

DEA forensic chemists also provide field assistance (clandestine laboratory investigations and seizures and vacuum sweeps) to DEA and FBI special agents and field support to DEA compliance investigators.

DEA's laboratories are called upon with increasing frequency to provide information on the retail level availability of illicit drugs and trends of the United States illicit market. The Domestic Monitor program requires analyzing street level heroin samples to source analysis as well as qualitative and quantitative analysis to obtain price/purity data. This approximately triples the time of analysis for each exhibit, but provides strategic intelligence information on area of origin determinations in addition to availability data at the retail level.

The DEA and FBI laboratories each have separate functions and unique expertise in the field of forensic science. When used together for the scientific analysis of evidence in drug investigations, they provide an enhanced capability to the enforcement activities of both agencies for virtually complete forensic analysis. The DEA laboratories conduct qualitative and quantitative chemical analysis on drug evidence and the FBI laboratory provides numerous criminalistic examinations which are performed on the non-drug evidences resulting from these investigations. The individual expertise of the two laboratory systems complement one another and result in improved efficiency for the overall drug law enforcement effort.

Additionally, DEA laboratories assist other Federal agencies such as the Coast Guard, Naval Investigative Service, Army Criminal Investigative Division, Marine Corps, National Park Service, Immigration and Naturalization Service, and General Services Administration through the analysis of drug evidence, providing court testimony, and training.

Accomplishments and Workload: Program measures include the following:

Item	Estimates		
	1981	1982	1983
Drug Exhibit Analyses.....	19,875	23,165	23,200
Initiation Examinations.....	2,026	1,069	1,300
Illicit Signature Analyses.....	1,289	770	850
Training Conducted.....	1	...	1
Court Appearances.....	676	635	709
Field Assistance on Ongoing Laboratory Matters.....	123	166	155
Evidence Turn-Around Time (Days).....	13	13	15
Evidence Backlog.....	733	768	2,733
Transit Monitor Program Exhibit Analyses.....	457	685	850
Issues of Microgram.....	12	12	12

Program Increases:

Increases of 16 positions and \$2,458,000 are requested to strengthen the DEA Laboratory Services program.

Laboratory Equipment Replacement Program

An increase of \$764,000 is requested over the 1984 base of \$300,000 for the replacement of obsolete and unrepairable laboratory equipment.

All DEA laboratories are equipped with analytical instrumentation which is essential for timely qualitative and quantitative analysis of controlled drug evidence. For the past four years, the replacement of laboratory equipment has been minimal because of continuous budgetary constraints. As laboratory equipment increases with age it reaches technological obsolescence due to advances in electronics,

optics, and data processing, making three to five year old equipment virtually obsolete. Additionally, the frequency of repair increases and the cost for repairs increase exponentially due to the unavailability of replacement parts for older instruments which are phased out of the manufacturer's product inventory. The gas chromatograph/mass spectrometers are the most expensive instruments in our laboratories and their price has risen dramatically (present cost range is \$135,000-\$200,000 each) in part due to the introduction of features that improve their performance and versatility. The units we have are currently no longer being manufactured and the availability of replacement parts in 1984 is doubtful.

With the expected increase in drug evidence submissions resulting from FBI involvement in drug investigations, the lack of essential laboratory equipment will have a detrimental effect on the quality of analysis and an adverse impact on productivity. Replacement of obsolete equipment is essential to the efficient operation of the laboratory in keeping the equipment down-time and repair costs at a minimum and to keep up with the state-of-the-art instrumentation in forensic drug analytical techniques.

This increase provides for adequate laboratory equipment resources which are essential to meeting current level workload production estimates. This equipment will fully support the laboratory's needs and will have a major impact in maintaining efficient operations. The replacement of obsolete equipment to keep the down-time and repair costs at a minimum and obtaining new state-of-the-art instrumentation will enable the laboratories to maintain a low average time of analysis and a low evidence turnaround time.

FBI Forensic Support

An increase of 12 chemists, 1 professional/administrative and 3 technical/clerical positions and \$1,190,000 will enable the DEA Laboratory System to meet the increased workload resulting from FBI drug enforcement activities.

The Federal Bureau of Investigation (FBI) was given concurrent jurisdiction to investigate narcotic and dangerous drug trafficking violations. The DEA laboratories are responsible for the timely analysis of all drug exhibits submitted by the FBI and for providing expert testimony in support of the prosecution of drug violators. Within the first four months of the FBI's concurrent jurisdiction, the rate of FBI drug evidence received by DEA laboratories has already reached approximately 2,000 exhibits per year. Considering the laboratories have been receiving approximately 20,000 exhibits per year from 1,500 DEA street agents (13 exhibits/agent/year), then the 500 FBI agents that will be assigned to drug law enforcement, using the same rate of exhibits submission, the laboratory would receive 6,500 FBI drug exhibits per year. No now estimate reaching this level of increased workload by May 1983. Additionally, these positions will enable the DEA Laboratory System to provide training for FBI special agents in drug evidence handling techniques and field testing for controlled substances, to meet increased laboratory workload demands for in-depth and signature analysis on evidence for tactical and strategic intelligence data, and to provide for increased requests for field assistance in support of clandestine laboratory investigations and vacuum sweeps. Initially, as a technical advisor in the development of clandestine laboratory investigations, the forensic chemist must also be available, upon seizure of the operation, to safely secure the clandestine laboratory and to assist in the collection of all evidence pertinent to the successful prosecution of the drug law violators.

Guard Service for the DEA Laboratories

With this increased funding (\$504,000), DEA laboratories will have sufficient resources to fully meet their responsibility of providing security and preserving the integrity of drug evidence purchased, seized, or collected by DEA Special Agents and other law enforcement agencies. In addition, it will allow protection for DEA personnel, information and property.

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Each of the DEA laboratories is currently equipped with electronic alarm systems that provide a standard measure of security for the vaults, file rooms, secure teletype rooms, and evidence receiving areas. Additionally, several of the laboratories have closed-circuit monitors. However, there are no full-time employees assigned to the reception area to control access to the laboratory facilities. This responsibility is performed by laboratory personnel on a rotational basis in addition to their other duties. Consequently, there are significant periods of time when the reception area is left unattended. Armed guard service would provide access control and would be able to respond immediately to attempts of forced entry or personal threats.

Recent seizures of large quantities of narcotics and dangerous drugs have been relating the value of evidentiary material in laboratory vaults to multi-million dollar proportions. Although procedures have been implemented to destroy bulk seizures of marijuana and heroin, U. S. Attorneys and courts have not authorized destruction of large seizures of narcotics and dangerous drugs even though requests have been made. Many of the larger seizures involving foreign nationals and fugitives remain open for extended periods of time causing an accumulation of drug exhibits.

Interfacing armed guard service with a perimeter alarm system will afford the enhanced security critically needed for all drug evidence on hand at the laboratories. During normal duty hours, the guards will control access to all laboratory facilities to authorized personnel only and, if necessary, act as a deterrent force if theft of drug evidence is attempted. Each laboratory will require the armed guard service for approximately ten (10) hours, however, the guard service will have to be extended to 24 hours per day at three (3) laboratories due to the large amount of drug evidence in storage and its high value.

	1983 Appropriation Anticipated			1984 Base			1984 Estimate			Increase/Decrease	
	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	Amount
DEA training.....	34	33	\$3,255	34	33	\$3,372	34	33	\$3,372	...	...

Long Range Goal: To develop and maintain a sophisticated and professional workforce to perform the tasks inherent to the DEA mission and to provide leadership in drug law enforcement by providing entry-level and specialized training for DEA personnel.

Major Objectives:

- o Provide entry-level training for special agents, compliance investigators, and intelligence analysts.
- o Provide specialized investigative and advanced skills training for investigative, technical, and administrative personnel.
- o Provide executive, mid-level management, and supervisory training for appropriate personnel of all occupations within DEA.
- o Provide foreign language training for DEA personnel assigned to overseas and border offices.
- o Provide video tape training programs for use throughout DEA.

Base Program Description: This program provides entry-level and specialized training for DEA personnel to build and maintain a sophisticated and professional workforce capable of providing leadership in drug law enforcement. This training will insure the availability of well-trained personnel to perform those functions as mandated to DEA by the Controlled Substances Act of 1970, in a manner that takes advantage of the most modern and innovative techniques known to counteract increasingly sophisticated drug traffickers. Operational personnel must receive training at all levels of career development in order to perform the specialized tasks unique to the Drug Enforcement Administration.

In October 1981, DEA began conducting the majority of its training programs at the Federal Law Enforcement Training Center (FLETC), Glynnco, Georgia. The first seven weeks of the entry-level curriculum for special agents (as well as firearms and physical instruction in the DEA-specific follow-on training) will be provided by FLETC instructors in the Criminal Investigators School. DEA will provide an additional minimum of seven weeks of drug law enforcement training for special agents and also continue to instruct and coordinate the remaining programs conducted at FLETC and at DEA Headquarters.

Accomplishments and Workload: DEA shifted emphasis in training programs based on changing trends in the illicit trafficking of narcotics and dangerous drugs.

A unique investigative approach, "reverse undercover", in which DEA agents pose as drug sellers, rather than drug buyers, was employed by the South Eastern Region during 1980 and proved to be very successful, particularly with regard to arrests and seizures of assets. To encourage and assist in other regions in this technique, DEA conducted a seminar in 1981 which was attended by all Deputy Regional Directors and Special Agents-in-Charge. Due to the interrelated nature of the subject matter, in 1982 DEA combined "reverse undercover" and financial investigations into a new advanced program designated Asset Removal. This program is the second phase of the Financial Investigations Training Program. DEA conducted five schools in this new program in 1982.

In order to provide investigative support for the Organized Crime Drug Enforcement program as well as DEA's ongoing needs, approximately nine (9) agent training classes will be conducted at FLETC in 1983.

In order to remain responsive to the changing nature of diversion control operations, DEA developed and implemented a Specialized Diversion Control Seminar for Senior Compliance Investigators. Two such programs were conducted in 1982 and three more are scheduled in 1983.

DEA is participating in the development of training programs to be conducted jointly with FLETC. The Marine Law Enforcement School will equip DEA agents with the specialized skills and knowledge required to penetrate sea smuggling organizations and to operate with maximum safety and effectiveness in a sea smuggling interdiction role. Agent safety and survival training received increased emphasis in various Agent Training Programs in 1982. This Training will serve to update and reinforce the agents' previous training in those skills needed to cope with the increased violence being encountered in drug investigations.

Program summaries include the following:

Item	Estimates			
	1981	1982	1983	1984
DEA Personnel:				
Entry-level Training Participants.....	135	...	400	110
Post of Duty in Service Participants.....	1,082	2,840	3,000	3,000
Advanced and Specialized Skills Participants.....	764	368	405	405
Audio Visual Instruction Productions.....	8	1	7	7

1983 Appropriation	1984 Base		1984 Estimate		Increase/Decrease	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
Technical operations.....	185	177 \$17,337	185	177 \$17,165	185	177 \$18,925
				
					...	\$1,760

Long Range Goal: To support the mission of DEA by providing radio communications and technical/investigative systems, equipment and personnel in support of enforcement activities; and provide responsive and effective air support to DEA investigations.

Major Objectives:

- Provide support, whether it be direct technical/investigative assistance or equipment, at all levels of DEA's law enforcement activities.
- Provide sufficient technical personnel to properly maintain, install, and maintain the personnel of DEA's investigative and radio communications equipment.
- Maintain a ratio of one portable radio for every two special agents and supply ninety percent of DEA's special agents with mobile radios.
- Meet DEA's long range communications needs by operating a High Frequency/Single Side Band (HF/SSB) network.
- Ensure the training of special agents and technical personnel on technical investigative and radio equipment.
- Maintain an accurate inventory of technical, investigative, and radio communications equipment to ensure the maximum utilization of equipment by DEA law enforcement personnel.
- Assist other Federal, State, and local law enforcement agencies with equipment and expertise on a priority basis.
- Install and maintain a voice privacy network on DEA's WIP and HF/SSB radio communications equipment.
- Maintain an established aircraft fleet of sufficient size and appropriate operational characteristics to support the DEA enforcement mission requirements.
- Maintain a cadre of properly qualified and safety conscious agent/pilots, who possess a thorough knowledge and understanding of the DEA enforcement mission and the requirements of the DEA units they support.
- Employ DEA aviation resources in the most effective and cost beneficial manner for maximum agency accomplishments.

Base Program Description: The Technical Operations program supports DEA law enforcement personnel by allocating its limited personnel and radio communications and investigative equipment resources to those areas having critical need for technical support and expertise. Special agents and professional/administrative personnel are assigned to Headquarters and to designated domestic offices. Special agents are also assigned to foreign country offices as Foreign Technical Officers.

The special agents and professional/technical personnel assigned in this program to DEA field offices fall under the direction of a Technical Operations Officer. The technical officer ensures that available equipment and personnel are strategically and rapidly deployed to best support law enforcement activities. Because of the limited quantities of equipment and personnel resources, special agent and professional/administrative personnel must travel extensively, and equipment must be rapidly shipped from office to office to support enforcement activities.

Long range communications support is being accomplished by a combination of DEA-owned mobile and base station HF/VSB radios, and the contracted services of Rockwell Collins in Clear Rapids, Iowa. Collins' control center in Cedar Rapids provides support 24-hours a day for DEA's long range communications.

DEA Technical Operations personnel and their counterparts with the FBI are working closely through meetings and study groups to ensure that each agencies' technical resources are being used to the maximum to support the Federal drug law enforcement effort. In that direction, the DEA and FBI radio systems are being compared and analyzed to determine all potential areas for interoperability. Also, meetings are being held to compare radio voice privacy implementation programs currently being conducted by both agencies. In further cooperation between the DEA and FBI, DEA has requested assistance in the conduct of covert entries for the purpose of installing "room bugs" related to court-authorized wire intercepts. The possibility of DEA Technical Operations personnel attending FBI technical training schools will be pursued further in 1983.

DEA's aviation program supports the enforcement mission with a total of 43 aircraft. The aircraft fleet is comprised of 4 light observation helicopters, 11 light twin-engine airplanes, 1 large twin-engine airplane, and 27 light single-engine airplanes. Replacement value of all aircraft is estimated to be \$6.8 million.

The current 43 aircraft fleet has been acquired through transfer of aircraft from other agencies (3); transfer of aircraft from military surplus (16); purchase of aircraft from commercial sources (11); and forfeited seized aircraft (13). These aircraft range in age from 3 to 39 years. To meet DEA needs, an aircraft replacement plan has been approved and implemented.

The aircraft replacement plan has commenced the acquisition of approximately 6 new aircraft per year in 1982 and continuing through 1985. In concert with the new aircraft will be a program to surplus an equivalent number of older aircraft, particularly T-61's, which were originally obtained as surplus aircraft from the U.S. military.

DEA aircraft and pilots are strategically located to assure coverage to as many enforcement units as possible. From these bases of operation, air support is provided to DEA enforcement operations in geographic areas consistent with the capabilities of the aircraft.

Accomplishments and Workload: The Technical Operations program is a vital activity within the Drug Enforcement Administration. Investigative and technical assistance is actively sought to support DEA's complex investigative activities. Radio and investigative equipment is now used in every phase of enforcement operations to enhance investigations and provide a safer environment for DEA's law enforcement personnel.

In 1982, Technical Operations personnel directly assisted in 1,060 investigations. Enforcement personnel of the Technical Operations program expended 90 percent of their time and effort towards the support of Class I and II level investigations.

During 1981 and 1982, special agents and technical personnel of the Technical Operations program actively participated in special enforcement operations.

44

During Operation TUMULT, agents and technicians installed audio surveillance and tracking devices to assist in the investigation. NSA IP/S3B communications supported this operation. CENTAC, "storefront" and other major operations made extensive use of dialled number recorders, video surveillance, audio devices and other investigative aids during operational investigations. Demands placed on this program accounted for a 250 percent increase in the use of dialled number recorder and an approximate 200 percent increase in the use of 24-hour covert video installations.

Domestic UHF radio systems were upgraded in the offices in Northeastern area (formerly Northeastern Region), the former Southeastern, North Central and South Central areas.

A review of DEA's nationwide UHF radio system has been conducted to determine the age and replacement requirements of all equipment and a plan based on a ten-year replacement cycle has been established.

The aviation support program was more effective, due in part to the introduction of two new twin-engine aircraft into the DEA fleet. Equipped with navigation devices, which provide latitude and longitude positions of the aircraft, and search radar units, which provide surface coverage for ships at sea, these aircraft have furnished more accurate air intelligence data than at any time in the history of DEA. Both aircraft began operating at a time when the need to increase intelligence collection of ship and aircraft movements was rapidly expanding.

The use of twin engine aircraft for over-water search missions and international operations accounted for 30 percent of the total number of flight missions conducted in 1982. The trend of using aircraft and pilots in undercover roles rose 361 in 1982, 3,958 domestic missions and 995 international missions were flown, resulting in 12,115 flight hours. DEA pilots and aircraft participated in investigations that resulted in 1,413 arrests. This arrest figure does not include special operations such as Transgo, Bat and the Domestic Maritime Expedition Program. Aviation support is especially cost effective in drug laboratory investigations. Many of the clandestine laboratories are purposely established in remote, poorly accessible areas to elude detection. In many cases, aircraft were the only effective means of surveillance. A total of 30 laboratories were seized in 1982 as a direct result of aviation support.

The number of missions completed in 1982 rose to 4,953 from 4,499 in 1981, an increase of 10 percent.

Program measures include the following:

Item	Estimates		
	1981	1982	1983
Technical Operations Direct Case Support.....	1,032	1,060	1,100
Aviation Missions Requested.....	5,662	6,049	6,600
Aviation Missions Completed.....	4,499	4,953	5,400

Program Increase:

This requested increase of \$1,760,000 provides for the purchase of 300 mobile radios and 300 portable radios to replace a portion of the radios that are ten years old or older and are not compatible with voice privacy.

By 1984, DEA will have approximately 1,300 third generation tube-type mobiles and hand-held portables within its inventory over ten years old. The problem of aging equipment added to the problem that none of the third generation radios are compatible with the voice privacy equipment planned for purchase by DEA makes it imperative that obsolete radio equipment be replaced.

To ensure that an effective enforcement radio system is available to DEA agents, a ten year replacement cycle for radio equipment must be established and maintained. DEA's radio replacement schedule has gradually slipped to an 18 year cycle. If this trend is not reversed, there will be a gradual but steady degradation of what has been a very utilitarian radio system.

By 1985, the commercial repair centers which service our mobile and portable radios will have lost much of the technical expertise to efficiently repair our third generation radios. Service of these radios will also be complicated by a lack of spare parts; as stocks are used up, fewer of the old parts will be manufactured. In the 1985/86 time frame, we can forecast that as much as one-half of our older mobiles and portable radios will be broken and awaiting maintenance. If we have not followed a vigorous replacement schedule, we will find that 25 percent of our mobiles and 33 percent of our portables will be out of service.

This increased funding level is necessary to ensure the safety of DEA agents in performing their enforcement duties with reliable and effective radio communications support.

	1983 Appropriation		1984 Base		1984 Estimate		Increase/Decrease	
	Perm.	WY Amount	Perm.	WY Amount	Perm.	WY Amount	Perm.	WY Amount
ADP and Telecommunications.....	110	103 \$15,930	110	103 \$16,355	120	110 \$18,327	10	7 \$1,972

Long Range Goal: Increase the productivity of DEA criminal, compliance and inspection investigators and their supportive elements through enhancement of automatic data processing, record communications and office automation.

Major Objectives:

- Support, where applicable, statutory requirements of the Controlled Substances Act of 1970 (Public Law 91-513) and the President's Reorganization Plan Number 2 of 1973.
- Increase productivity and decrease manpower through automation of applicable processes now accomplished in a manpower intensive climate (i.e., office automation).
- Reduce downtime, maintenance and repair applications development time through use of commercially available Data Base Management Systems and other state-of-the-art technology.
- Maximize use and sharing of DEA automated information through standardization of hardware, software and data base data elements.
- Increase the reliability, scope and security of DEA data transmissions while reducing telecommunication line charges.
- Expand the number of users of DEA ADP/Telecommunication capabilities, both foreign and domestic.
- Maintain the capability to rapidly respond to new and/or unanticipated operational requirements affecting the mission of the DEA and to support other DEA programs in accomplishment of their missions.

Base Program Description: The ADP and Telecommunications program provides for the implementation of modern Data Base Management Systems (DBMS) which provide for retrieval capability that can establish relationships between various DEA data bases while also, significantly improving the ability to query any field within those data bases. This increased retrieval capability is being made available to a larger number of DEA offices, both domestic and foreign, through an expansion and increased sophistication of the DEA Secure ADP Telecommunications and Records Communications System. Standardization of software, equipment, data elements and query procedures will reduce the developmental and maintenance time of the ADP staff and the training and query time of the user. The highly flexible nature of DBMS, their ease of programming and "user friendly" characteristics provide a significantly increased capability to support routine and new DEA investigations, instant and operational requirements.

The following are brief descriptions of the DEA ADP/Telecommunications Systems:

• MANQUITS AND MANQUITS DRIVES INFORMATION SYSTEM (MANQUITS). This is the major Enforcement Support System for DEA. This data base, which consists of about 1.2 million records on persons, businesses, ships, aircraft and certain airfields, is the centralized index of all DEA investigative reports. MANQUITS enables an authorized user to determine the subject's past criminal activity or associations which have been documented by DEA agents, and provides references to the location of further information on the subject of the query. Due to the worldwide, transient nature of illicit drug operations, it is not unusual for a single individual to be documented by DEA criminal investigators in various parts of the world. MANQUITS, therefore, provides not only background information on individual subjects of interest to DEA, but also supports conspiracy investigations by allowing linkages between individuals and separate DEA investigations. Use of a DBMS has significantly expanded the capability of the intelligence analysts and agent to develop these linkages and, therefore, to develop new investigative leads.

MANQUITS is accessed via the DEA Automated Telecommunications System (DATS) by over 300 terminals located nationwide and in Mexico, Canada, England, France, Italy, Germany and Thailand. Current plans call for additional overseas terminals to be located in other European, South American, Middle East and Asian countries via a Secure Telecommunications System operated by the State Department. MANQUITS operates on the TLIAD configuration at the Justice Data Management Center (JDMC). This provides the capability for remote entry on DEA's Mainframe 80-31 computer for MANQUITS batch (batch updating) transactions, and printing of all MANQUITS ADP reports.

MANQUITS operates under the IBM Customer Information Control System (CICS) environment on the JISC Asitail V7 computer. MANQUITS is interfaced via DATS with the FBI National Crime Information Center (NCIC) Wanted Persons File, Stolen Gun File and Criminal History Summary File. It is indirectly interfaced with the Stolen License Plates File and Stolen Vehicle File using the JISC network.

• ENHANCED MANAGEMENT INFORMATION SYSTEM (EMIS). EMIS provides a method of tracking specific DEA investigations to determine management information. It includes the capability to evaluate case activity, status, agent manpower use, and confidential source utilization by the Operations Division. EMIS is being developed in two phases. EMIS I primarily involves the purchase of evidence, which enables DEA to determine whether money seized as evidence includes currency previously expended by DEA for the purchase of evidence. This system can provide probable cause for seizure of such funds. EMIS II, the Case Status application, will provide rapid access to and summarization of case and drug violator case statistics. EMIS II will provide information on the utilization of intelligence analysts, compliance and criminal investigator resources under the manpower utilization application. Information will also be provided on the current status of DEA use of confidential sources of information. These applications were completed in June 1982. EMIS I and II will automate and widely disseminate information which was previously prepared manually and had only limited use due to the lack of accessibility by other DEA personnel. The EMIS system is accessible on-line through the DATS network and operates on the JISC Asitail V7 computer.

° **PATIFINDER II.** PATIFINDER is a component of the National Narcotics Intelligence System, mandated by the President's Reorganization Plan Number 2 of 1973. INRS provides DEA with centralized automated storage, retrieval and analysis of law enforcement intelligence information relevant to illicit drug activities. Intelligence and enforcement personnel access the system via on-line terminals. The data bases include information on individuals, activities, events, aircraft, vessels, movement reports of individuals and associated drug distribution networks. It includes a graphics output capability. PATIFINDER information is made available to other Federal, State and local law enforcement officials who have a proper need-to-know and are signatory members of the El Paso Intelligence Center (EPIC). Data input is accomplished by both on-line and batch methods to the Digital Equipment Corporation 11/70 and 11/45 computers at DEA Headquarters. PATIFINDER also has the ability to query on-line, the NADOTS System. PATIFINDER access has been expanded to five domestic and six foreign DEA offices. As a result of the President's Organized Crime Drug Enforcement Task Force program, extension of PATIFINDER to all 19 field offices is planned. Further expansion is also planned for several foreign offices. The highly flexible nature of the PATIFINDER DMS software has provided DEA with the capability to rapidly design files to support special investigations. Examples of these investigations include the Judge Wood assassination, Operation Impact and support to various CENTACs.

° **CONTROLLED SUBSTANCES ACT SYSTEM (CSA).** The Office of Diversion Control is supported by the Controlled Substances Act System (CSA). CSA is used to control the registration and annual re-registration of more than one half million legitimate sources of federally controlled drugs. The volume of this statutory requirement imposes precludes manual processing. The system was established to implement the provisions of the Controlled Substances Act of 1970 (P. L. 91-513), requiring that all legal handlers of controlled substances annually register with the Department of Justice. The system processes new and renewal applications for registration, applies changes to previously established master records, issues order forms for the purchase, sale, or transfer of Schedule I and II controlled substances, and produces various fiscal accounting, control, and statistical records. The master records contain information on legal handlers of controlled substances including name, address, DEA registration number, business activity, initial issue date of registration, expiration date of registration and drug schedules authorized. The CSA data base is used by suppliers for verifying physician and hospital requests order forms prior to delivery of controlled substances. The verification consists of an on-line inquiry by a DEA compliance investigator, into the CSA data base via the DATS network. Data preparation, data editing and printed output are accomplished at DEA Headquarters using the ICA Magnuson 80-31 computer system. Because of the size of the CSA master file and the necessity of on-line access through INRS, the data base is maintained and processed at the JDMC.

° **SYSTEM TO RETRIEVE INFORMATION FROM DRUG EVIDENCE (STRIDE).** STRIDE supports DEA by processing information derived from drug evidence. This system supports DEA agents and intelligence, Enforcement, Administrative and Laboratory Personnel, primarily through monthly and quarterly reports of drug trends. STRIDE provides data resulting from forensic examination of drug evidence for tactical and strategic intelligence as well as planning and management purposes. The system is used to detect unusual occurrences and other matters related to drug intelligence. STRIDE consists of three subsystems: Equipment Utilization, Laboratory Analysis, and the Ballistics program. The Equipment Utilization program is used by the Forensic Sciences Division as a management information system to produce a monthly report of hours spent by chemists and laboratory technicians on various tasks, such as drug analysis, court appearances, training, assisting agents and research. The Laboratory Analysis program is based on data developed by DEA forensic chemists, such as the controlled substances present, other constituents in the material and certain physical characteristics. The Ballistics program is based on the physical and chemical comparison of tablets and capsules. Data derived by the forensic analysis of drug evidence throughout the DEA laboratory system are input via computer terminals located in each laboratory to scientific intelligence technicians. The system is available for on-line queries to determine characteristics of drugs obtained during an investigation. STRIDE and Ballistics derived information is used to link investigations based on the similarity of exhibits and provides strategic intelligence on worldwide illicit drug trends.

o **DEA ACCOUNTING SYSTEM (DEAS).** The system was developed to automate highly labor intensive accounting and personnel functions. These include DEA funds obligations, expenditures, costs, and revenues for which program managers are responsible, generation of financial reports to meet internal needs and external requirements and to provide a basis for developing and reporting costs in accordance with programs, budget activities, special projects and organizational cost centers. The system is administration-wide, incorporating budget and financial data of domestic offices, foreign offices, laboratories, intelligence center, aircraft section, and Headquarters activities. DEAS does not interface directly with the Department of Justice Accounting System. It does, however, use an abbreviated version of the DEA payroll file from the DOJ Payroll System as input on a bi-weekly basis. Detailed accounting transactions are transmitted via the DMS network to the JDCS and are collected for a batch processing update. Information is derived from basic documents such as allotment advices, operating plans, payroll data files, obligation documents, receipts documents, accrual documents, reimbursement agreements, manpower activity reports, and expenditures/disbursement documents. Foreign documents are mailed to Headquarters where they are centrally input. Batch processing updates are scheduled by DEA personnel via the Conventional Monitor System (CMS) on-line at the JDCS Center or through the Magnuson 80-31, Houston Automated Spooling Program (HASP) facility. Reports are generated at DEA Headquarters on the Magnuson 80-31 and are disseminated to the various offices and program managers as required.

o **TELECOMMUNICATIONS.** DEA has a requirement to support investigations of illicit drug operations worldwide. The highly transient nature of subjects under investigation requires the support of a worldwide, rapid and Secure Record Communications System. DEA's requirements, both domestic and certain foreign offices, for secure voice, secure teletypewriter, facsimile and general communications are satisfied by the following:

-**SECURE VOICE.** Two secure voice devices are located at DEA Headquarters. The equipment meets internal cryptographic requirements, and provides DEA intelligence and enforcement personnel with the capability to rapidly and securely exchange information with all elements of the United States Intelligence Community. Many of DEA's offices overseas are accessible through the Department of State secure voice network. The secure voice equipment program is scheduled for expansion in future years.

-**FACSIMILE.** The DEA Facsimile System consists of 143 terminals, including all divisional and resident offices, laboratories, some airport details, Mexico City, Montreal, San Juan and Honolulu. Offices equipped with facsimile equipment can communicate with each other or with any other government agency or commercial firm that has compatible equipment (e.g., Xerox, Hargrafax, Steward Warner, Graphic Sciences). Upgrading of the system has included placing unattended machines in several larger offices and by replacing six minute per page with a faster capability. Fingerprint facsimile machines are operational in 13 major field locations. This system is used to send prints to the FBI and receive a prompt response.

-**SECURE TELETYPE/TELETYPE COMMUNICATIONS.** Domestic - The DEA Secure Domestic Teletypewriter System presently consists of a Headquarters Telecommunications Center and 107 terminals in field offices, including Honolulu and San Juan. Additional terminals are scheduled to be activated between 1982 and 1984. The long-range objective is for 130 operational terminals. This is a private system within DEA; however, communications with other government agencies are available through the Headquarters Telecommunications Center. The DEA Teletypewriter System employs circuit switching as opposed to the previous data-phone operation. This allows any station in the network to send a message to all other stations in the network with only one transmission. RM-7 cryptographic hardware are equipped with K01-16 card readers. Foreign - Access to foreign offices is provided through the Department of Defense Automatic Digital Network and/or the State Department Diplomatic Telecommunications System, both of which are electrically connected to the Headquarters Telecommunications Center.

-**COMMUNICATIONS SECURITY (COMSEC) ACCOUNTS.** DEA has one of the largest COMSEC accounts within the U.S. Civil Government. COMSEC accounts are administered by the Headquarters Center Office of Record (COR), by the DEA COMSEC Officer and COMSEC Custodians at each of the DEA's 119 offices receiving cryptographic material. Custodians operate under policy promulgated by the National Security Agency for the positive and continuous recording and reporting of accountable COMSEC material from the time of receipt within DEA through destruction or final disposition. The total number of accounts will increase to 130 during 1982-1985. Regularly scheduled inspections of cryptographic facilities are the most effective means of ensuring that the required security standards are maintained at all times. The National Security Agency requires that all COMSEC accounts be inspected and audited at 18-month intervals. The purpose is to ensure that COMSEC material is used, stored, distributed, or accounted for, and that COMSEC equipment is employed and maintained in accordance with current standards. This material supports the DEA Secure Teletypewriter System.

-**LAW ENFORCEMENT INFORMATION ACCESS SYSTEMS.** Headquarters, EPIC, and 34 field offices have access to the U.S. Customs TICS and/or their State Police computers.

-**PAGING SYSTEM.** DEA Headquarters utilizes the Bellboy II Paging System for 16 senior officials and the duty agent. The Paging System is used by the Air Program to alert DEA pilots in 23 field locations.

The Drug Enforcement Administration relies very heavily upon ADP Telecommunications and Record Communications to support its major responsibilities, both foreign and domestic which include: To support where applicable, statutory requirements of the Controlled Substances Act of 1970 (P.L. 91-513) and the President's Reorganization Plan Number 2 of 1973; the enforcement of Federal drug laws; support of State and local narcotic drug law enforcement and controlled substances registration programs as related to Federal law enforcement; training of DEA, FBI, foreign state and local law enforcement officers; and support of foreign narcotic law enforcement officials as related to U.S. narcotic efforts.

Accomplishments and Workload: The primary DEA enforcement support system, NADDOIS, was maintained during the year with no significant downtime. Average time up was 95 percent. The compliance system (CSA) also maintained similar performance and supported DEA's statutory requirement to annually license over 650,000 registrants. Direct support was provided to various CERTAC and special task force investigations through INTS, NADDOIS, PATHFINDER and the micrographics programs. Through innovative use of off-the-shelf intelligent floppy discs, which interfaced with DCU CMS system, DEA was able to automate and significantly support a compliance investigation involving over 30,000 prescriptions. This program developed new investigative leads and provided further innovative applications for the discs. Through cooperation with the Department of State, DEA has been able to expand the use of the capabilities of its various systems to several locations. This was accomplished with minimal cost. DEA provided hardware, software and technical support to the Department of Public Safety, Dade County, Florida in their development of an automated system for analysis of illicit drug information. This effort included a rapid response in support of Vice President Bush's Task Force to stem the flow of illicit drugs into the United States through Florida, by installation of ADP equipment and ADP operational assistance. Specific examples of all accomplishments to criminal investigations are too numerous to mention, but are highlighted by PATHFINDER analytical support in the Judge Wood assassination, assistance in location and seizure of \$1.6 million in a New Jersey case, analytical assistance in financial investigations of Kattan, Orozco and others, telephone toll analysis in the Viboud and Cabatu investigations and specific support to CERTAC 26 in Miami and CERTAC 21 in New York.

Program Increases:

Design, Program and Implement DEAAS Enhancements

Two positions (\$77,000) and \$250,000 in program funds are required to support and monitor the DEAAS System.

The DEA Accounting System (DEAAS) in order to perform all accounting functions required by the General Accounting Office. In order to fulfill these requirements, it is necessary to design, program and implement changes to the DEAAS system in three parts:

- o Program Accounting. The basic DEA program accounting capability will be expanded and refined to directly support changing thrusts of program priorities; to improve management analysis of Purchase of Evidence and Purchase of Information (PE/VI) payments by location, informant, case number, violator level and drug category; and to facilitate coordination with Enforcement Operations Confidential Source System.
- o Cost Accounting. The DEA Cost Accounting system will be developed as provided in documentation presented to the Comptroller General to provide cost information by organization, program, project, and case number; to coordinate cost information with Enforcement Operation's manpower utilization and Case Status System; and to support management decisions, priorities and plans in attaining maximum utilization of funds.
- o Property Accounting. The control and accountability of personal property and other assets will be strengthened and incorporated into the overall DEA Accounting System to maximize the protection of physical assets.

Personnel Support for ADP Systems Enhancement

Eight additional positions and \$221,000 are required for ADP systems modification, design and development. The following is the justification and application of the positions:

- o Replacement of DEA Teleprocessing Systems (DMS) Equipment

Two (2) positions are required for this requested increase. One GS-393 Communication System Specialist and one GS-334 Computer Specialist are requested to support the design and development of the systems communications network, development of communications equipment procurement specifications, development of intelligent terminal procurement specifications and development of terminal software requirements. These two positions will be involved in technical proposal evaluation, benchmark monitoring and evaluation, development of an installation plan, transition plan and monitoring of the installation of equipment and evaluating contractor's performance.

- o Redesign, Reprogram and Implement a Revised HANDLES, STUNTS and USA Under DEWS

Three (3) positions are required to perform the duties of project leaders on these redevelopment efforts. They will direct the system

analysis and data base scheme development, develop and monitor development of programming specifications for on-line screens, queries, batch programs and micrographics production. Will act as Contracting Officer's Technical Representative (COTR) and evaluate contractor performance. Will develop implementation plans, systems transition plans and will develop DEA wide training courses for system users.

o Centrally Controlled, Programmed Word Processing System (DEAWORD)

Three (3) GS-334 Computer Specialists are required to develop DEA-wide office automation concepts and reduce these concepts to specifications and software. Considerable time will be devoted to evaluation of off-the-shelf software to support the implementation of the management tools offered under the Office Automation Concept. This concept will only address the areas of integration of data processing and word processing into one family of devices, electronic mail, source data capture of investigative reports and the reduction of such data to data base update transactions. Extensive time will be devoted to special screen design and development. These provisions will be used to develop a training package for DEAWORD and will conduct initial training courses.

Move to 2400 M Street, N.W.

There currently is not sufficient floor space in the DEA Headquarters building to facilitate the installation of DEA ADP/Telecommunications hardware. DEA therefore, has been unable to install and operate all of its purchased ADP equipment.

The USA, in seeking additional facilities for DEA, located a site recently vacated by the "Federal Emergency Management Agency (FEMA)" located at 2400 M Street, N.W., Washington, D.C.

It is proposed that the Operations and Support Division of the Office of Information Services be moved to 2400 M Street, N.W., along with all of DEA's computers, related equipment and operations personnel. The cost of this move is \$1,032,000.

Guard Service

An additional \$392,000 is requested for the establishment of USA guard service at the 2400 M Street location.

1983 Appropriation	Anticipated		1984 Base		1984 Estimate		Increase/Decrease	
	Firm.	Pos.	Firm.	Pos.	Firm.	Pos.	Firm.	Pos.
Records Management.....	91	87	\$3,293	91	87	\$3,416	...	...

Long Range Goal. To provide DEA operational and administrative support functions expeditious and updated records systems control. The Records Management program provides operational and administrative support to various DEA enforcement activities. These activities include: maintenance of the Narcotics and Dangerous Drugs Information System (NDDIS)—an automated index and data base; analysis and review of all records management systems; maintenance of an extensive collection of current and historical materials related to DEA enforcement operations; provision of responses to requests made pursuant to the FOIA and establishment and maintenance of a centralized Administrative Record System.

Major Objectives.

- Improve file maintenance while reducing overall records holding.
- Standardize DEA correspondence procedures and reduce excessive workhours for completing forms and reports.
- Provide a central input of investigative data into the Narcotics and Dangerous Drug Information System (NADDIS).
- Maintain a central file of all criminal investigations and informants established by DEA.
- Provide a record retrieval service for DEA Headquarters.
- Acquire and maintain a variety of reference materials so as to provide efficient and responsive library services to all DEA elements.
- Process and respond to all requests for information made pursuant to the Freedom of Information and Privacy Act.
- Prepare detailed indices and affidavits which explain action taken by the Operations Unit and articulate DEA policy in Freedom of Information and Privacy Act matters.
- Prepare and file with the court other documents including motions, interrogatories, and answers as required in connection with FOI.
- Maintain a central record of all disclosures of information.
- Reduce mailing costs while providing responsive service to DEA activities.
- Maintain central administrative record system.

Base Program Description: The Records Management Section provides for the necessary development and implementation of policy and procedures for DEA records management programs and systems, reports management, forms, file design, records disposition, correspondence, and systems and procedures studies.

The operational set-up of this office incorporates the following sections:

Records System Section. Analysts of the Records Management Section apply analytical techniques and a knowledge of existing regulations and organizational functions to determine the efficiency and effectiveness of all DEA's records management programs.

Investigative Records Section. Maintains a record of all disclosures of information to individuals and agencies outside DOJ as required by the Privacy Act of 1974. Central records of all such disclosures are maintained, including microfiche, in order to provide an audit trail.

This section is responsible for providing the Headquarters staff with files on DEA criminal investigations and drug intelligence received from other agencies on a need-to-know basis.

NADDIS, which is a computerized index of names and information extracted from investigative reports, is an extremely valuable, indispensable tool for conducting drug investigations. All data entered is checked for accuracy by a quality control unit.

The library maintains an extensive collection of books, journals, and other file materials, both current and historical, to provide support for the DEA staff in planning and executing the strategies for control of these substances under Federal jurisdiction through enforcement and regulation while also providing support to the Chief Counsel law library.

The mail room will utilize these postal mail carriers that provide expeditious delivery at optimum cost.

Freedom of Information. The Freedom of Information Operations Section prepares and provides responses to requests made pursuant to FOI/PA through use of specialists.

The Litigation Unit assists in defending DEA against FOI/PA lawsuits.

Accomplishments and Workload: Records management systems and procedures were reviewed and improved so as to reduce the amount of unnecessary or duplicative paperwork processed by DEA elements. As part of this effort, a catalog was developed after a thorough inventory of all existing forms in use in DEA.

The Investigative Records Section has made a significant contribution to the enforcement mission of DEA by maintaining an automated index and data base (NADIS) for use by intelligence analysts and DEA agents in the field and at Headquarters. In 1981, 501,675 NADIS records were created or updated.

The Library has expanded its microfilm collection in order to better serve DEA staff. By converting greater numbers of bound volumes to film, the Library will be able to build its journal collection which was otherwise limited to the amount of available space.

DEA's FOI/PA responses have had a very high success rate at the administrative appeals and litigation stages. Statutory exemptions to disclosures of sensitive enforcement documents have been judiciously applied and dissemination of information has been uniform and consistent in the application of relevant regulations, DOJ/DEA policy and procedures.

Program measures include the following:

Item	Estimates			
	1981	1982	1983	1984
New Investigative Files Created.....	19,764	20,500	20,800	20,800
Investigative Reports Processed.....	241,306	267,500	270,000	270,000
NADIS Records Created and Updated.....	501,675	556,000	560,000	560,000
Freedom of Information Actions.....	851	1,000	1,100	1,200
Disclosure Records Processed.....	19,037	17,000	17,000	17,000
Books and Journals Catalogued.....	725	800	800	800

Activity: Program Direction	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease		
	Anticipated			Perm.			Perm.			Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Executive direction and control.....	241	231	\$12,374	241	231	\$12,928	241	231	\$12,928	...	...	...
Administrative services.....	147	138	8,210	147	138	8,451	147	138	8,451	...	...	...
Total.....	388	369	20,584	388	369	21,379	388	369	21,379	...	...	...

This activity includes the resources dedicated to the overall administration and management of the Drug Enforcement Administration and consists of the following two programs: Executive Direction and Administrative Services. Included are the elements of policy development and implementation; congressional and public affairs; legal counsel; management direction; program planning and evaluation; budget preparation and financial management; internal security; field evaluation; personnel resources management; equal employment opportunity; medical and safety programs; and general administrative support services.

Activity: Executive direction and control.....	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease		
	Anticipated			Perm.			Perm.			Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Executive direction and control.....	241	231	\$12,374	241	231	\$12,928	241	231	\$12,928	...	...	...

Long Range Goal: Develop and maintain management functions which effectively and efficiently develop and implement agency policy and enhance the decision-making process.

Major Objectives:

- Provide management direction and control through policy development, organizational and program planning, and improved management systems.
- Monitor and evaluate all programs within DEA.
- Develop legislative and administrative proposals as a means of improving the functioning of the criminal justice system.
- Provide budget formulation, execution and administrative capabilities and improve control of expenditures.
- Provide information to specific interest groups and to the general public regarding DEA's mission and activities.
- Reduce instances of integrity misconduct within DEA and provide and maintain a secure environment for DEA employees and property.
- Provide Congress the information necessary to carry out legislative and oversight responsibilities.
- Provide full range of legal services to DEA management and personnel.
- Promote internal control through the performance of financial audits.

Base Program Description: In addition to policy development, guidance, and direction provided by the Administrator, the Executive Direction and Control program is currently carried out through:

- Developing awareness of Federal drug enforcement among the public.
- Providing the Congress with the material necessary for it to conduct, on a fully informed basis, its legislative and oversight responsibilities in the drug law enforcement area.
- Providing management direction, guidance, and support through sound organizational planning and control, and improved management systems, to include analytical studies related to organizational, as well as operational matters.
- Providing for the allocation and control of financial resources through financial planning, budget formulation, resource justification, budget report preparation, special analyses, appropriation accountability, financial data collection and dissemination, and financial audits.
- Organizing the legal counsel program around a functional concept with individual attorneys specializing in assigned areas of expertise to include preparation of briefs, opinions and presentations in the following areas: regulatory matters, civil litigation; criminal matters, training, personnel and EEO matters, management and procurement issues, international matters and the Privacy Act and representing DEA at a variety of administrative hearings.
- Insuring the integrity of DEA personnel through a set of preventive programs designed to discourage integrity breaches, criminal behavior, and/or misconduct. The integrity control program is accomplished through the utilization of standard investigative and reporting techniques to establish relevant facts upon which DEA management can take appropriate corrective measures. Through the security function policy and procedures for security programs, monitoring of security investigations, physical security surveys, and ADP surveys are carried out.

DEA has a public responsibility to apply its resources in the most efficient, economical, and effective manner possible. Inherent in this responsibility is the concept of accountability for actions and performance which can only be achieved through proper executive direction and control.

The immediate clients served by this program are the personnel of the Drug Enforcement Administration, while the ultimate clients are the American public, other Federal, State, and local law enforcement organizations; other Federal departments; and foreign governments.

Accomplishments and Workload: During 1982, DEA developed a model statute for use by the states to control the production and distribution of counterfeit ("look-alike") drugs that have been appearing on the market disguised as popular drugs of abuse. A manual on the law of arrest for agents was completed.

A statistical sampling technique was initiated in voucher processing functions during the year as a means to increase productivity, reduce processing costs, reduce backlogs, and to facilitate timely payment of vouchers. All payments (except instant fund cash payments) were centralized in headquarters to achieve economies associated with volume and to standardize the voucher examination and payment process.

Planning and coordination of a major reorganization, including abolition of the domestic regional structure and realignments to promote coordination with the FBI, have been conducted during this period. Organizing materials were developed for the Attorney General's Cabinet Council on Legal Policy. Evaluations were completed on effects of the Freedom of Information Act, automation of vehicle forfeiture records, the laboratory system and computer services. The Office of Inspections developed a streamline system which improved the quantity and thoroughness of office inspections.

The establishment of the Board of Professional Conduct significantly advanced and standardized the IFA disciplinary process. The quality and timeliness of full-field investigations have been improved through the use of contact investigations.

	1983 Appropriation Anticipated			1984 Base			1984 Estimate			Increase/Decrease		
	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount
Administrative services.....	147	138	\$8,210	147	138	\$8,451	147	138	\$8,451	...	...	...

Long-Range Goal: Provide effective and efficient administrative support for all IFA elements in the areas of personnel, health and safety, employee development, equal employment opportunity, space and equipment, and general services.

Major Objectives:

- Promote an effective and efficient personnel operation in all areas of responsibility.
 - Provide a recruitment program responsive to the needs of the agency with full attention to the equal employment rights of all individuals.
 - Conduct a sound program of position classification designed to provide the agency with optimum benefits from the number of positions available.
 - Administer an active incentive awards program for the recognition of deserving employees.
 - Conduct an ongoing, in-depth and objective evaluation program of the agency's personnel management activities.
 - Administer a fair and impartial program of discipline, grievances and appeals.
 - Develop program policy and guidelines for executive and supervisory development which will assist employees toward better performance of their assigned jobs and prepare them for potential career advancements.
 - Administer the Merit Pay Program.
- Provide necessary medical support to specific elements of IFA and assistance to employees with personal and behavioral problems which interfere with job performance.
- Provide occupational safety program guidance and technical assistance to ensure safe and healthful working conditions for all employees in accordance with the OSHA Act of 1970 and Department and Administration Orders.
- Provide an effective and efficient EEO Program.
 - Eliminate underrepresentation of women and minorities by establishing realistic recruitment and promotion goals and eliminating staffing and recruitment barriers.
 - Plan and implement Special Emphasis programs including the Selective Placement program for disabled persons.
 - Process EEO complaints of discrimination in a timely manner.
 - Develop a management information system to produce data for Multi-year Affirmative Action planning and monitoring.
- Acquire and maintain adequate facilities, vehicles, supplies and equipment.
 - Provide adequate office space and facilities to meet IFA requirements.
 - Provide an adequate and efficient fleet of motor vehicles to meet drug law enforcement needs.
 - Provide and maintain furniture and office equipment for IFA personnel to satisfactorily perform their mission.

- Provide various other general support services.
 - Provide timely, effective, high-quality artwork, photographic and audio visual services, and an efficient and responsive office services and supply program.
 - Provide an efficient and responsive contracting, procurement, and transportation program while increasing the level of participation of small, minority, and disadvantaged businesses in DEA's procurement actions.

Base Program Description: The Administrative Services program provides the necessary support services to enable the Drug Enforcement Administration to carry out its mission in the most effective and efficient manner possible.

All elements and all employees of the DEA are served by this program as follows:

- The primary responsibilities in the personnel area include planning, developing, administering and evaluating the DEA personnel program. Major objectives are accomplished through advertising vacancies consistent with the agency's merit promotion requirements; monitoring the agency's Federal Equal Opportunity Recruitment program; conducting job audits and establishing new positions; providing services to the Incentive Award Committee; conducting on-site evaluations of Personnel Management programs and determining the extent to which field locations are receiving adequate personnel services; monitoring the agency's application of discipline, and obtaining grievance examinations where appropriate; administering an upward mobility program; providing advice and assistance to managers and employees concerning the performance appraisal system, and monitoring results of that system; providing administrative support required to administer the Merit Pay program; and administering a comprehensive program of developmental assignments to prepare qualified persons to assume executive and managerial roles.
- DEA employees are served by a comprehensive health program. Examining physicians or medical groups are available through contract at 90 sites throughout the United States for accomplishment of annual physical examinations. Liaison on essentially a daily basis is maintained with Department of State for our overseas program and with Department of Labor for job-related injuries or illnesses of all employees. Employees with acute medical or psychiatric problems are serviced by the Employee Assistance Program staffed by DEA personnel at headquarters and through contract personnel in field locations. In addition, DEA provides Health Unit support to employees at 43 domestic sites through participation in the Federal Employee Occupational Health Program.
- The Affirmative Action and Federal Equal Opportunity Recruitment Program Plans form the basis for coordination and definitive actions to meet the major objectives. Personnel policies, practices and procedures are reviewed to ensure there is no adverse impact on minorities and women. The EEO Office works closely with the DEA Personnel Office to plan and implement special employment programs, and training programs for managers and supervisors on their Affirmative Action program responsibilities. EEO specialists have specific responsibility for managing DEA's complaint system in order to process EEO complaints of discrimination in a timely manner.
- The acquisition and utilization of space are centrally managed. Requests for office space and identified space problems are evaluated and appropriate action taken.
- Vehicle resources are controlled and maintained through a central vehicle management program to insure that existing and future vehicle resources are adequate and efficient, properly utilized and maintained, and replaced as necessary.
- Furniture and equipment requests are carefully reviewed for need prior to authorization for procurement.
- Adequate stocks of office supplies and forms are maintained, printing and major replicating services provided. Most art, photographic and audio visual services are provided through in-house capabilities.
- Skill packages and requests for contracts for major DEA acquisition are reviewed, evaluated, and processed. Permanent change of station travel orders are processed; and airline reservations and ticketing are obtained through a computerized terminal system and passports and visas are issued for DEA employees requiring same.

Accomplishments and Workload: In 1982, with the closing of the regional offices, DEA centralized the majority of administrative operations. Under the new organizational configuration, all but day-to-day administrative support will be provided to the field divisions from headquarters.

A substantial portion of personnel and general support services were devoted to the process of reorganization this year. For example, several hundred personnel were reassigned; a reduction-in-force was undertaken in several locations; a priority placement and counseling program was conducted to maintain our experienced work force and minimize displacement; over 500 permanent changes of duty station were accomplished; and several facilities closed and altered as a result of changes in staffing levels.

Approximately 90 percent of the positions in DEA have been classified and/or reclassified.

Competitive levels for all agency personnel have been developed and assigned. Also, new application procedures and instructions for competitive vacancy announcements for special agent positions have been developed in concert with Enforcement.

In 1982, an EEO policy statement aimed at providing equitable and maximum utilization of all DEA personnel was developed and disseminated to employees. A mechanism for handling EEO responsibilities in the field divisions and laboratories was established in accordance with the reorganization and considerable attention was focused on tracking and reporting on minority employment/promotions, processing EEO complaints and special emphasis activities, which included DEA recruitment at minority and women conferences and presentation of three cultural heritage programs.

We continued to provide orientation for supervisor and support staff in the appropriate utilization of Employee Assistance Program services in support of their function as managers and direct service personnel. They also received training in the identification of job stress reactions and other emotional behavioral problems as they relate to job performance.

Drug Enforcement AdministrationSalaries and expensesPriority Rankings

<u>Base Program</u>		<u>Program Increases</u>	
<u>Program</u>	<u>Ranking</u>	<u>Program</u>	<u>Ranking</u>
Domestic Enforcement	1	Foreign Cooperative Investigations	1
Foreign Cooperative Investigations	2	Domestic Enforcement	2
Diversions Control	3	Technical Operations	3
Intelligence	4	ADP and Telecommunications	4
ADP and Telecommunications	5	DEA Laboratory Services	5
Technical Operations	6		
DEA Laboratory Services	7		
Records Management	8		
Executive Direction	9		
Administrative Services	10		
DEA Training	11		
Research and Engineering	12		
Federal/State and Local Task Forces	13		
State and Local Training	14		
State and Local Laboratory Services	15		

DADO EMPLOYMENT ADMINISTRATION

Salaries and expenses

Detail of Permanent Positions by Category
Fiscal Years 1982 - 1984

Category	1982 Authorized	1983 Authorized	Program Increases	1984 Total
Attorney Series (905).....	15	15	...	15
Hearing and Appeals Series (930).....	1	1	...	1
Legal Instruments Examining Series (963).....	12	12	...	12
General Investigating Series (1810).....	171	171	...	171
Criminal Investigating Series (1811).....	1,878	1,878	6	1,884
Miscellaneous Inspectors Series (1802).....	1	1	...	1
Other Miscellaneous Occupations Group (001-099).....	14	14	...	14
Social Sciences, Economics, and Kindred Group (Other than Intelligence Specialist) (100-199).....	...	...	...	...
Intelligence Series (131-136).....	171	171	...	171
Intelligence Group (200-299).....	66	66	...	66
General Admin., Clerical, and Office Services Group* (300-399).....	1,239	1,239	15	1,254
Biological Science Group (400-499).....	2	2	...	2
Accounting and Budget Group (500-599).....	131	131	...	131
Medical, Dental, and Public Health Group (600-699).....	4	4	...	4
Engineering and Architectural Group (700-799).....	25	25	...	25
Information and Arts Group (800-899).....	19	19	...	19
Business and Industry Group (900-999).....	7	7	...	7
Physical Science Group (Other than Chemists) (1300-1399).....	12	12	1	13
Health Series (1320).....	190	190	12	202
Library and Archives Group (1400-1499).....	3	3	...	3
Mathematics and Statistics Group (1500-1599).....	6	6	...	6
Equipment, Facilities, and Services Group (1600-1699).....	2	2	...	2
Education Group (1700-1799).....	5	5	...	5
Supply Group (2000-2099).....	24	24	...	24
Transportation Group (2100-2199).....	5	5	...	5
Total.....	3,953	3,953	35	3,988
Washington.....	963	963	...	963
U.S. Field.....	2,717	2,717	10	2,727
Foreign Field.....	273	273	16	289
Total.....	3,953	3,953	35	3,988

* Includes 200 located in the Washington Metropolitan area.

Drug Enforcement Administration

Salaries and expenses

Summary of Adjustments to Base
(Million in thousands)

	Form. 1993	Work- years	Amount
1993 as enacted.....	3,953	3,832	\$248,162
1993 pay supplement in requests:			Amount
Increased pay costs.....			\$7,563
Medicare costs.....			1,151
Amount absorbed.....			-380
Net pay supplemental.....			7,334
1993 adjustment anticipated.....	3,953	3,832	255,496
Adjustments to base:			
Uncontrollable increases:			
Annualization of 1993 pay increase.....	...	...	380
Annualization of 1993 medicare payment.....	...	...	383
Annualization of 1993 SES and Executive level payment.....	...	...	79
Within-grade increases.....	...	...	1,336
Health benefit costs.....	...	...	338
Federal Employees' Compensation Act (FECA) - workers compensation.....	...	...	691
Standard Level User Charges (SLUC).....	...	...	3,124
GSA recurring reimbursable services.....	...	...	671
C & P telephone rate increases.....	...	...	22
Telephone system line charges.....	...	...	42
Government Printing Office (GPO) printing costs.....	...	...	27
Payroll services.....	...	...	40
Full-field investigations.....	...	...	126
General pricing level adjustment.....	...	...	2,325
Foreign allowances.....	...	...	173
Distributed Administrative Support (DAS).....	...	...	162
Total, uncontrollable increases.....	...	...	10,789
Decreases (automatic non-policy):			
Nonrecurring costs for 1993 amendment.....	...	...	-975
Nonrecurring costs for one less compensable day.....	...	...	-493
Nonrecurring costs for Federal Telecommunications System (FTS).....	...	...	-210
Nonrecurring costs for change in hourly rate.....	...	...	-549
Total decrease.....	...	...	-2,227
1994 base.....	3,953	3,832	264,108

Drug Enforcement Administration

Salaries and expenses

Justification of Adjustments to Base
(Billions in thousands)

	Perm. Pos.	W/Y	Amount
<u>Uncontrollable Increases:</u>			
1. Annualization of 1983 pay increases.....	\$380
This provides for annualization of the October 3, 1982 pay increase contained in Executive Order 12387. Of the pay raise requirement of \$7,714,000, \$380,000 was absorbed in 1983.			
2. Annualization of 1983 SES and Executive Level payment.....	79
This provides for the annualization of the January 1, 1983 Executive level pay increase contained in P.L. 97-377. There are 261 compensable days in 1983 and 66 paid days (October 1 through December 31, 1982) were not included in the pay raise. Of the pay raise amount of \$452,000, \$19,000 was absorbed. The calculation of the amount required for annualization is:			
66/261 x Amount of pay raise.....			\$113,000
1983 Absorption of pay.....			34,000
Total annualization.....			79,000
3. Annualization of medicare cost.....	383

This provides for full funding for the 1.3 percent Federal share of the Medicare Hospital Insurance tax to Federal employers as required by P.L. 97-248, the Tax Equity and Fiscal Responsibility Act of 1982. The request of \$383,000 covers the period from October 1 to December 31 which was not funded in 1983.

	Perm. Pos.	W/Y	Amount
4. Within-grade increases.....	\$1,336
This request provides for an expected increase in the cost of within-grade salary increases. This increase is generally consistent with increases experienced within recent years and is approximately one percent above the base for compensation and related benefits for permanent employment. (Personal compensation \$1,215,000 and benefits \$121,000 = \$1,336,000.)			
5. Health benefit costs.....	338
The Federal Employees Health Benefits Act (P.L. 93-246) provides that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. Effective January 1, 1982, the health insurance carriers raised their rates approximately 13 percent. This requested increase of \$338,000 provides for payment of the average rate present over the \$2,647,000 now available.			
6. Federal Employees' Compensation Act (FECA) - Workers Compensation.....	691
This increase reflects the billing provided by the Department of Labor for the actual costs in 1982 of employees' accident compensation. The 1984 amount will be \$3,268,000 or \$691,000 over the 1983 estimate of \$2,577,000.			
7. Standard Level floor charges (SLFC).....	3,124
Section 108 of P.L. 97-377, Continuing Resolution for 1983, prohibits agencies from paying the General Services Administration (GSA) a higher rate per square foot for the rental of space and services in 1983 than they paid in 1982. In keeping with the Administration's policy that charges for space shall be consistent with market rates, the request includes \$2,258,000 to restore cuts made in 1983 and \$866,000 for 1984 price level adjustments and the amortization of the 1983 space inventory.			
8. GSA recurring reimbursable services.....	671
Payments for heating, ventilation and air conditioning, and guard service over normal requirements are made to GSA on a reimbursable basis. An increase of 25 percent in 1984 based on 1983 estimated costs of \$2,484,000 yields an uncontrollable increase of \$671,000.			

	Penn. Pos.	W/Y	Amount																
9. CAP telephone rate increase.....	\$22																
Effective April 21, 1982, the Chesapeake and Potomac Telephone company was granted a rate increase of 19.6 percent for equipment and installation charges in the Washington metropolitan area. This results in an increase of \$22,000 in 1984.																			
10. Telephone system line charges.....	42																
The cost of providing CENMEX telephone switchboard service to Department users has increased from \$20.10 to \$27.66 per telephone line. A 19.6 percent increase was granted to CAP in 1982, additionally a 30 percent increase is proposed for 1983. An uncontrollable increase of \$42,000 over the 1983 base of \$112,399 is required to cover the higher rates in 1984.																			
11. Government Printing Office (GPO) printing costs.....	27																
The Government Printing Office (GPO) is currently projecting a five percent increase over the 1983 printing cost of \$540,000. An additional \$27,000 will be required in 1984.																			
12. Employee data and payroll services.....	40																
Centralized employee data and payroll services are provided to most departmental organizations. Charges for these services, which include information systems maintenance and payroll accounting, are based on the number of employees paid. The rate of \$110.00 per employee in 1983 has been raised to \$120.94 for 1984. The uncontrollable increase of \$40,000 is based on 3,953 authorized positions.																			
13. Full-field investigations.....	126																
The Office of Personnel Management (OPM) has notified users of an increase in the standard rate charged for each full-field investigation over the 1982 base cost of \$1,300.																			
<table> <tr> <th colspan="2">Service Requested</th><th colspan="2">Background Investigation (B.I.)</th></tr> <tr> <td>Expedite Service (35 days)</td><td></td><td>\$1,900</td><td></td></tr> <tr> <td>Pre-Placement Service (75 days)</td><td></td><td>1,600</td><td></td></tr> <tr> <td>Post-Placement Service (120 days)</td><td></td><td>1,450</td><td></td></tr> </table>				Service Requested		Background Investigation (B.I.)		Expedite Service (35 days)		\$1,900		Pre-Placement Service (75 days)		1,600		Post-Placement Service (120 days)		1,450	
Service Requested		Background Investigation (B.I.)																	
Expedite Service (35 days)		\$1,900																	
Pre-Placement Service (75 days)		1,600																	
Post-Placement Service (120 days)		1,450																	
It is anticipated that the uncontrollable increase is calculated on average assumptions of 420 persons per year for a total cost of \$126,000.																			

	Perm. Pos.	W/Y	Amount
14. General pricing level adjustment.....	\$2,325
<p>This request applies to (H) pricing guidance as of December 1982 to selected expense categories. The increased costs identified result from applying a factor of 5.3 percent against those sub-object classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, transportation costs and utilities. Excluded from the computation are categories of expense where inflation has already been built into the 1984 estimates.</p>			
15. Foreign allowances.....	773
<p>Allowances for Government employees in foreign areas are determined by the Department of State. The State Department anticipates a 20 percent increase in 1984. The requested increase of \$773,000 provides 20 percent more than the \$3,866,000 budgeted for 1983.</p>			
16. Distributed Administrative Support (DAS).....	392
<p>Under the Foreign Affairs Administrative Support System (FAAS), an annual charge is made by the Department of State for administrative support items; the amount of this charge is determined by the Department of State. The Department of State advises that a 20 percent increase in foreign operations is anticipated. The base for 1983 is \$1,960,000.</p>			
Total, uncontrollable increases.....	10,749
Decreases (automatic non-policy):			
Nonrecurring items related cost for 1983 Amendment.....	-975
-Purchase of incubator (\$250,000)			
-Purchase of technical investigative equipment (\$575,000)			
-Purchase of radio scanners (\$150,000)			
Nonrecurring costs for own less compensable day.....	-493
<p>This decrease was derived by dividing total personnel compensation and benefits in the current year by the number of paid days (261).</p>			
			66

Perm. Pos.	W/Y	Amount
...	...	\$-210

Nonrecurring costs for Federal Telecommunications System (FTS).....

The FTS decrease reflects the advance billing of \$2,816,000 provided to the Department of Justice by the General Services Administration, which is -\$210,000 less than the 1983 base of \$3,026,000.

Nonrecurring cost for change in hourly rate.....

-459

This provides for an overall pay adjustment that results from a change in the basis for computing pay for General Schedule employees. Currently, General Schedule pay is computed on the basis of 260 workdays or 2,080 hours, although 261 or 262 workdays may occur in a calendar year. For 1984 and 1985, section 310 (b)(1) of the Omnibus Reconciliation Act of 1982 requires that pay be computed on the basis of 2,087 workhours. Budget estimates for 1984 reflect this new basis and were calculated as follows:

$$\frac{\$125,723,000}{2087 \text{ hours}} \times 2080 \text{ hours} = \$125,264,000$$

$$\$125,264,000 - \$125,723,000 = \$-459,000$$

Total decrease.....

-2,137

Total, adjustments to base.....

8,612

Drug Enforcement Administration
Salaries and expenses
Financial Analysis - Program Increases
(Dollars in thousands)

Item	Domestic Enforcement	Foreign Cooperative Investigations	USA Laboratory Services	Technical Operations	AFP and Telecommunications	Total
	Pos. Amount	Pos. Amount	Pos. Amount	Pos. Amount	Pos. Amount	Pos. Amount
Grants						
OS-14.....	...	1 841	...	...	...	1 841
OS-13.....	...	4 140	...	...	3 4105	7 245
OS-12.....	...	1 29	12 4353	...	5 147	18 524
OS-11.....	1 20	...	2 40	3 60
OS-7.....	...	3 50	...	...	...	3 50
OS-5.....	3 40	...	...	3 40
Total facilities and annual rates.....	...	9 260	16 413	...	10 292	35 965
Other personnel comp. (ajoe (-)).....	...	22	...	...	...	22
	...	-2	-4	...	-3	-9
	...	-55	-105	...	-91	-251
Total workyears and personnel compensation.....	...	7 227	12 308	...	7 201	26 736
Personnel benefits.....	...	214	32	...	...	246
Travel and transport.....	...	34	19	...	6	59
Travel and transportation of personnel.....	...	49	...	...	...	49
Station of blimp.....	...	12	49	...	24	85
Standard level user charges (SUL).....
Communications, utilities, and other rent.....	28	...	248	286
Printing and reproduction.....	1	...	...	1
Other services.....	...	218	570	...	1,450	2,238
Supplies and materials.....	...	16	34	...	3	53
Equipment.....	...	90	1,417	...	11	1,518
	...	14,465	...	11,160	...	25,625
Total workyears and compensation, 1984.....	...	7 860	12 2,458	...	7 1,912	26 11,215

Drug Enforcement Administration

Salaries and expenses

Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and salary ranges	1983 Estimate		1984 Estimate		Increase/Decrease	
	Positions	Amount	Positions	Amount	Positions	Amount
	Workyears		Workyears		Workyears	
Executive Level V, \$68,800.....	1		1		...	
Executive Level III, \$63,800.....	1		1		...	
GS-18, \$63,800.....	3		3		...	
GS-17, \$63,800.....	12		12		...	
GS-16, \$56,945-63,800.....	36		36		...	
GS/GA-15, \$48,553-68,115.....	98		98		...	
GS/GA-14, \$41,277-53,661.....	430		431		1	
GS/GA-13, \$34,930-45,406.....	965		972		7	
GS-12, \$29,374-38,135.....	1,152		1,170		18	
GS-11, \$24,508-31,861.....	93		93		...	
GS-10, \$22,307-29,003.....	3		3		...	
GS-9, \$20,256-26,331.....	83		86		3	
GS-8, \$18,339-23,838.....	54		54		...	
GS-7, \$16,559-21,527.....	168		171		3	
GS-6, \$14,901-19,374.....	345		345		...	
GS-5, \$13,369-17,383.....	404		407		3	
GS-4, \$11,949-15,531.....	84		84		...	
GS-3, \$10,645-13,840.....	3		3		...	
GS-2, \$9,756.....	...		...		...
Ungraded positions.....	18		18		...	
Total, appropriated positions.....	3,953	\$132,106	3,988	\$133,775	35	\$1,669
Pay above stated annual rates.....	15	340	...	...	-15	-340
Lapses.....	-191	-8,506	-185	-8,417	6	89
Net payment.....	3,777	123,940	3,803	125,358	26	1,418

Drug Enforcement Administration:

Salaries and Expenses

Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1983 Estimate		1984 Estimate		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Permanent positions.....	3,777	\$123,940	3,803	\$125,484	26	\$1,544
11.3 Positions other than permanent:						
Part-time permanent.....	10	123	10	123	...	...
Temporary employment.....	25	356	25	356	...	...
Other part-time and intermittent employment...	20	249	20	249	...	...
11.5 Other personnel compensation:						
Overtime.....	20	730	20	730	...	...
Administratively uncontrollable overtime.....	467	10,266	469	10,374	2	108
Other compensation.....	...	1,049	...	1,049	...	...
Total, workyears and personnel compensation.....	4,319	136,713	4,347	138,365	28	1,652
12.0 Personnel benefits.....		21,770		24,330		2,560
21.0 Travel and transportation of persons.....		9,540		9,876		336
22.0 Transportation of things.....		2,183		2,343		160
23.1 Stairward level user charges.....		15,203		18,412		3,209
23.2 Communications, utilities, and other rent.....		15,748		16,411		663
24.0 Printing and reproduction.....		1,149		1,177		28
25.0 Other services.....		38,678		41,019		2,341
26.0 Supplies and materials.....		6,932		7,376		444
31.0 Equipment.....		8,898		16,189		7,291
42.0 Insurance claims and indemnities.....		125		125		...
Total obligations.....		256,939		275,623		18,684
Relation of obligations to outlays:						
Obligated balance, start-of-year.....		42,607		49,095		
Obligated balance, end-of-year.....		49,095		53,277		
Outlays.....		256,451		269,141		

Mr. SMITH. We are pleased to have the Administrator of DEA, Francis Mullen to present the budget request and we will be pleased to have your statement at this point, Mr. Mullen.

Mr. MULLEN. Thank you, Chairman Smith. It is a pleasure to appear before you and Congressman Dwyer.

I have with me today the Acting Deputy Administrator, John C. Lawn; Frank Monastero, Assistant Administrator for Operations; Bob A. Ricks, Chief Counsel for DEA; Ronald Buzzeo, Deputy Director, Office of Diversion Control for DEA; Edgar Barnett, Deputy Assistant Administrator for Administration; Harold Hausler, Chief of the Budget Formulation and Planning Unit; also Kevin Rooney, Assistant Attorney General for Administration, United States Department of Justice; and Charles R. Neill, Controller for the United States Department of Justice.

I appreciate this opportunity, Chairman Smith, to appear before the Subcommittee to discuss DEA's 1984 budget. It is a continuation of the President's 1983 program to add resources which will have an impact on drug trafficking and to apply them, in a balanced fashion, across the criminal justice system.

With your concurrence I will present a brief statement and submit a full statement for the record.

BIOGRAPHICAL SKETCHES

Mr. SMITH. That will be fine, but before you make your statement, we will insert the biographical sketches of your associates since this is their first appearance before the Committee.

[The biographical sketches and prepared statement follow:]

JOHN C. LAWN

Mr. Lawn was born June 2, 1935, in Brooklyn, New York. He received his Bachelor of Arts degree from St. Francis College, New York City, in June, 1957, and served in the United States Marine Corps from June, 1957, to August, 1960, attaining the rank of Captain. He subsequently attended St. Johns University, New York City, and was awarded a Master of Arts degree in June, 1964.

Mr. Lawn entered on duty with the FBI in July, 1967, and, following a period of training, was assigned to the Savannah, Georgia, FBI Office. He studied the Russian language at the Defense Language Institute in Monterey, California, from April, 1969, to June, 1970, when he was transferred to the FBI's Washington, D.C., Field Office. He was ordered to FBI Headquarters, Washington, D.C., in November, 1973, to assume supervisory duties in the Criminal Investigative Division and in January, 1976, was transferred to the Planning and Inspection Division where he performed Inspection duties. In November, 1976, Mr. Lawn returned to supervisory duties in the Criminal Investigative Division where he was responsible for handling inquiries from the House Select Committee on Assassinations relating to the Martin Luther King, Jr., and John F. Kennedy assassinations.

Mr. Lawn was designated Assistant Special Agent in Charge of the Kansas City, Missouri, FBI Office in June, 1977. He returned to FBI Headquarters in December, 1978, to assume duties as Chief of the Civil Rights-Special Inquiry Section of the Criminal Investigative Division.

Mr. Lawn was appointed Special Agent in Charge of the San Antonio, Texas, Office of the FBI in April, 1980. In March, 1982, he was ordered back to Washington, D.C., and was designated Acting Deputy Administrator of the Drug Enforcement Administration.

He is married and has four children.

HAROLD E. HAUSLER

Harold E. Hausler is presently Chief, Formulation and Planning Unit of the Budget Section of the Drug Enforcement Administration. Prior positions held have been in the field of Financial Management in the Drug Enforcement Administration and its predecessor agency, the Bureau of Narcotics and Dangerous Drugs in the Department of Justice.

Mr. Hausler was born in Frederick, Maryland on May 3, 1948. He attended the University of Maryland and received a Bachelor of Science Degree in Business and Public Administration in 1970, graduating with highest honors.

Mr. Hausler is married to the former Jacqueline Rich, and they have two children.

BIOGRAPHY

EDGAR L. BARNETT

Edgar L. Barnett entered Federal service through the Civil Service Management Intern Program in 1963. Immediately prior to that, he had been employed by the Phillips Petroleum Company in their national accounting office located in Kansas City, Missouri.

Mr. Barnett was born in New Holland, Illinois, on December 17, 1934. He grew up there and in the Perry, Missouri, community where he graduated from High School. He served three years in the U.S. Army and then attended and graduated from the University of Missouri in 1961. He later earned a Masters Degree in Public Administration from the University of Southern California.

After completion of the two year Management Intern Program, served with the General Services Administration, Mr. Barnett joined the staff of the newly authorized Bureau of Drug Abuse Control (BDAC) in 1966. He has continued to serve in a variety of administrative and management positions in DEA and its predecessors with intervening assignments to the White House Special Action Office for Drug Abuse for one year and another assignment to the Department of Justice Budget Staff for two years. Mr. Barnett was also a member of a United Nations team of three administrative management personnel who were assigned to Geneva for six weeks in 1972 to organize and establish management processes for administering the newly founded United Nations Fund for Drug Abuse Control.

Mr. Barnett is married to the former Catherine King and has three children.

BIOGRAPHY

RONALD W. BUZZEO

Ronald W. Buzzeo was recently promoted to the position of Deputy Director of the Office of Diversion Control, Drug Enforcement Administration. The Office directs worldwide programs associated with the diversion of legally produced substances, evaluates drugs of abuse for scheduling, and is the agency's contact point with the pharmaceutical industry, health care community and appropriate state agencies. Prior to becoming Deputy Director, he served as Chief of the Diversion Operations Section since May 1982.

Mr. Buzzeo was born in Flushing, New York, on April 12, 1940. He graduated from St. John's University with a B.S. Degree in Pharmacy.

Mr. Buzzeo entered Federal Service in June of 1969 as a Special Agent of the Bureau of Narcotics and Dangerous Drugs (predecessor agency to the Drug Enforcement Administration). In 1972 he became a Group Supervisor in the New York Office. He was transferred to Washington, D. C., in September 1973 and served as Chief of the Regulatory Investigations Section until October 1976. For several months during this time period, he was also Acting Chief of the Registration and Audit Section. In October 1976 he was appointed Chief of the Compliance Division and served in that capacity until May 1982. Before entering Federal Service, Mr. Buzzeo was a Narcotics Investigator with the New York State Department of Health, Bureau of Narcotic Control.

Mr. Buzzeo is married to the former Judith Ann Walts and has three children. He is First Vice President of the International Narcotics Enforcement Officers Association and is a member of the American Society for Industrial Security Substance Abuse Committee.

BIOGRAPHY

BOB A. RICKS

Bob A. Ricks was born October 14, 1944, in Houston, Texas. He received his Bachelor of Business Administration degree from Baylor University, Waco, Texas, in January, 1967, and received his Juris Doctorate, also from Baylor University, in June, 1969. While at Baylor University, Mr. Ricks was Associate Editor for the Baylor Law Review and was a member of Phi Delta Phi legal fraternity. He was admitted to the State Bar of Texas in September, 1969.

Mr. Ricks entered on duty with the FBI in July, 1969, and following a period of training, was assigned to the Sacramento, California, FBI office where he was subsequently assigned as Assistant Senior Resident Agent of the Yuba City Resident Agency until October, 1970, when he was transferred to FBI's Los Angeles Field Office. In April, 1971, Mr. Ricks was transferred to Riverside, California, Resident Agency. He was ordered to FBI Headquarters, Washington, D.C., in November, 1976, to assume supervisory duties in the Legal Counsel Division.

In July, 1979, Mr. Ricks was transferred to the FBI's Washington, D.C., Field Office to assume supervisory duties over a criminal investigative squad. While assigned to the Washington, D.C., Field Office, Mr. Ricks continued to be a member of the FBI Headquarters Undercover Review Committee as a Legal Advisor.

In January, 1981, Mr. Ricks returned to FBI Headquarters where he was designated Special Assistant to the Assistant Director, Criminal Investigative Division.

Mr. Ricks was designated Special Assistant to the Acting Administrator, Drug Enforcement Administration (DEA), Washington, D.C., in July, 1981, and in June, 1982, was appointed Chief Counsel of DEA.

He is married and has two children.

DEPARTMENT OF JUSTICE
DRUG ENFORCEMENT ADMINISTRATION

STATEMENT OF THE ACTING ADMINISTRATOR, FRANCIS M. MULLEN, JR.,
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE FOR THE DEPARTMENTS
OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED
AGENCIES

Mr. Chairman and Members of the Subcommittee:

I am pleased to have the opportunity to appear before this Subcommittee to discuss the Drug Enforcement Administration (DEA) Appropriation/Authorization request for 1984.

The 1984 request is a continuation of the President's 1983 programmatic thrust to bring additional resources to bear on drug trafficking and is in line with the Attorney General's determination to apply resources in a balanced way across the criminal justice system.

Based on the Attorney General's study of violent crime, a Law Enforcement Coordinating Committee (LECC) was established in each judicial district. The LECCs' identified drug trafficking as the priority problem.

In January 1982, the Department first addressed this need for an increase in our emphasis on drug enforcement and the organized criminal enterprises involved in drug trafficking, by assigning to the FBI concurrent jurisdiction with DEA for investigating violations of the U.S. drug laws. _

Further, partially as a result of the success of the President's South Florida Task Force, it was decided to launch a vigorous nationwide attack on the drug trafficking problem.

An "8-Point" plan was announced by the President on October 14, 1982. Subsequently, the Administration's budget amendment, to support the Organized Crime Drug Enforcement program (OCDE), was authorized in the Further Continuing Resolution for 1983 (P.L. 97-377).

Twelve task forces have been established in key areas in the United States. These task forces, under the direction of the Attorney General, will utilize where necessary the law enforcement resources of the DEA, FBI, IRS, ATF, Immigration and Naturalization Service, the U.S. Marshals Service, the Custom Service and the Coast Guard. In addition, in some regions, Department of Defense tracking and pursuit capability will be made available.

These task forces will mount an intensive and coordinated campaign against international and domestic drug trafficking.

1984 Authorization Request

The Drug Enforcement Administration is requesting for 1984 a total of \$275,623,000, and 3,988 permanent positions. This request represents an increase of \$20,127,000 in funding and 35 positions from the anticipated 1983 appropriation of \$255,496,000, and 3,953 permanent positions. This Appropriation/Authorization finances a nationwide operation with field offices in 50 states, foreign operations in more than 40 countries, 8 field forensic laboratories, and Federal/State and local task forces in selected areas.

Program increases amounting to \$11,515,000 within DEA's regular 1984 budget will provide for strengthening and modernizing the Foreign Operations, Vehicle, ADP, Radio and Laboratory Services programs.

Further, 250 positions and enhanced ADP capabilities are to be funded within \$24,076,000 to be allocated from the OCDE appropriation.

Management of Federal Drug Enforcement

In the Spring of 1982, the Congress was advised of organizational changes to provide greater flexibility in the management of drug enforcement resources within the Department of Justice.

The new DEA/FBI alliance has exceeded our expectations to date. Since the summer of 1981, FBI narcotics investigations have grown from 100 to over 1,000. Investigations involve organized crime, financial crimes, and public corruption. Joint DEA/FBI investigations have increased from a handful to over 300, an example of agency cooperation. The FBI has also dedicated its resources to drug-related Title III investigations, which as you all know, are extremely manpower intensive. In the first six months of 1981, which basically predates direct FBI involvement in drug investigations, DEA conducted 19 Title III electronic surveillances. During the same time frame, one year later, with both DEA and the FBI utilizing this approach, there were 55 drug-related Title III investigations initiated, a 244 percent increase!

As a part of our efforts, we have begun cross-training DEA and FBI Agents for better interagency understanding and to make each agency's expertise available to the other.

FBI Special Agent accountants--useful in dealing with the financial end of the drug trade--the FBI's network of informants and experience with long-term undercover operations and organized crime investigations are all important tools brought into this partnership.

DEA and the FBI are also coordinating utilization of the scientific laboratories to make them available to both agencies.

Intelligence analysts from both DEA and the FBI have been working closely together to ensure that all intelligence data bases are effectively searched to provide specific targetting information to the agents in the field.

Drug Traffic and Organized Crime

Crime has become increasingly organized and sophisticated. Organized crime has become especially lucrative because of the enormous market for illicit drugs. Drugs and organized crime have combined to wreak havoc on our communities, our lives, and our children's future. Directly or indirectly, it threatens each person and institution in this country. It threatens the fabric of society.

On the human level, the drug problem caused by organized crime is staggering. Drugs victimize not only addicts, but also those innocent citizens whom addicts assault, rob, and burglarize to obtain the large sums of money they need to feed their drug habit. One study demonstrated that over an eleven year period some 243 addicts committed about one half million crimes--an average of 2,000 crimes each or a crime every other day--just to support their habits. In fact, half of all jail and prison inmates regularly used drugs before committing their offenses. According to a Rand study, addicted offenders in California committed nearly nine times as many property crimes each year as non-addicted offenders.

The drug trafficking that creates this flood of crime is itself organized crime. Large-scale drug dealers must organize their operations. They obtain the illicit substances, or the rights to the substances, overseas. Within our borders, the drug dealers have set up elaborate enterprises for cutting the imported drugs and distributing them over wide geographical areas.

And the organization does not stop there. Drug money is laundered through legitimate businesses set up as "fronts" for drug dealers. A share of the profits is then reinvested in the drug business, just like a legitimate major enterprise. Increasingly, some of the profits are actually invested in legitimate businesses, including real estate in Florida, restaurants in California, and other businesses across the Nation.

The popular notion that the syndicate--or traditional organized crime--stays out of drugs is simply not true. Many of the syndicate's families have developed elaborate drug networks. Virtually every one of them is involved in drugs in one way or another.

But the problem of organized crime today is by no means limited to its traditional form. In the past two decades, we have witnessed the emergence of new organized criminal enterprises dealing in drugs and the other rackets traditionally controlled by the syndicate. These emerging groups have entered the drug business, often in competition with traditional organized crime.

Over the past decade, some 800 outlaw motorcycle gangs have developed around the country and in foreign countries--and drugs represent their primary source of revenue. Prison gangs, first established as a result of associations developed in the California State Prison system over the past twenty years, today operate both inside and outside prison and are spreading beyond the West Coast. In addition, there are other emerging groups--such as Southeast Asian groups, the violent Colombian groups known as the Cocaine Cowboys, and other drug cartels.

All of these criminal organizations deal in drugs and use violence. They are secretive, self-perpetuating criminal societies involved in drugs and every other sort of criminal activity. Money is their common objective, and violence is their primary tactic. They control large-scale drug trafficking today, and they are the groups that must be immobilized if we are to control the drug problem.

The massive involvement of organized crime with drugs is, however, only part of the problem. Organized groups of criminals assault and murder each other--and innocent bystanders--in the violent and lucrative world of drugs.

And most serious of all, we see public officials at all levels being corrupted by drug money. We have reports of rural sheriffs and police officers accepting payments of \$50,000 or more just to "look the other way" while traffickers make a single landing at a makeshift airport. The dollar amounts involved are so great that bribery threatens the very foundations of law and law enforcement.

United States Government Strategy

The number one crime problem confronting America is narcotics trafficking combined with organized crime. The strategy of the U.S. Government must be to deter trafficking of drugs through increased and consistent punishment, and to assure the certain loss of accumulated profits and proceeds of this criminal enterprise. The Federal Government has made a firm commitment to attack this problem domestically through the major new initiative to establish 12 Regional Task Forces. The President has said: "Our commitment to this program is unshakable--we intend to do what is necessary to end the drug menace and cripple organized crime".

Drug control is an international issue. All of the heroin and cocaine and most of the cannabis available in the United States is cultivated and processed from sources in Southwest Asia, Southeast Asia, South America, the Caribbean and Mexico.

It is important to stop drugs at or as close as possible to their source rather than as they approach or cross United States borders, because quantities seized at the source are much larger and purer and have not entered the expansive distribution chain which ultimately leads to the streets of United States cities.

Consequently, DEA personnel are stationed in foreign countries to support host countries' efforts to eliminate cultivation,

production and conversion of drugs and to stop shipments of drugs destined for the United States. These efforts include the provision of technical assistance through training and the exchange of intelligence in cooperative investigations. Stopping drugs within the source country or as close to the source as possible has proven to be an effective approach to reducing the supply of illegal drugs.

Finally, we must also approach the demand issues and make the use of drugs less appealing through better education of the public about the health consequences of drug abuse.

Assessment of the Drug Trafficking Situation

Based on the latest available full year data, we can state that, during 1981, that heroin abuse and availability increased in the New York-Washington, D.C. corridor and on the West Coast. Cocaine abuse continued to expand. Marijuana use peaked among youth in 1979, but may still be rising among older age groups. Abuse of stimulants continued to increase, while a new abuser population that has evolved out of the search for heroin substitutes emerged. Preliminary indications drawn from 1982 data suggest these tendencies continued well into 1982.

Heroin

Heroin abuse worsened in 1981. Comparing 1981 with 1977 in terms of heroin-related emergencies, the abuse situation deteriorated in New York City, Washington, D.C., Boston, and Philadelphia.

Imports of heroin into the United States remained unchanged from 1980 to 1981 at four metric tons. Southwest Asian (SWA) heroin accounted for over half of the U.S. heroin supply. The share of Southeast Asian (SEA) heroin in total U.S. imports remained stable at an estimated 10 percent despite increased opium production in the Golden Triangle (Burma-Thailand-Laos) following relief from drought. Mexico continues as the major heroin source for the West and Southwest.

Drug smuggling routes and techniques in 1981 were largely unchanged from those employed in 1980. SWA heroin continued moving overland through Europe. SEA heroin continued to enter the United States primarily on a direct route from Thailand to the western states. Importation of Mexican heroin is increasing and continued to enter the United States primarily overland. For the foreseeable future SWA heroin will be readily available in the United States. Mexican heroin is likely to remain dominant in the West and may increase in availability in some distribution centers in the central states. SEA heroin, rarely an aggressive contender, will probably continue to occupy only a minor share of the national market if SWA and Mexican heroin remain generally available.

Cocaine

Cocaine abuse and trafficking activity continued to rise in 1981, although for the most part at lower rates than in 1980.

Cocaine-related emergency room episodes increased seven percent and arrests five percent, while treatment admissions apparently continued a rapid climb.

According to NIDA estimates, seven to ten percent of the user population fall into the category of heavy use involving higher levels of purity and lower prices per unit associated with the larger quantities used. Cocaine remains the drug most frequently used by heroin addicts as a secondary drug.

An estimated 34 metric tons of cocaine were consumed in the United States during the year and 75 percent of the cocaine smuggled into the United States came from Colombia.

The drug smuggling routes and techniques in 1981 were largely unchanged from those employed in 1980. Utilizing commercial aviation, smugglers continue to move cocaine from Colombia, through the Caribbean area to the Southeastern U.S.

Because of increasing availability, cocaine abuse is likely to continue to increase. This increase in availability is also expected to lead to the increased use of dangerous forms of cocaine ingestion ("speedballing" and "freebasing"), forms with

potentially severe health consequences. Cocaine is expected to remain a popular secondary drug for heroin users.

Cannabis

Marihuana use has peaked among youth, and demand for marihuana in that age group is apparently decreasing, in part because of greater awareness of its health hazards and peer disapproval. Daily use of marihuana among high school seniors was down to the 1975 level of 6 percent or about one in every 16 seniors according to a recent survey funded by the NIDA. The best news said NIDA, was that between 1981 and 1982, high school seniors showed a declining use of nearly all drugs. Marihuana use appears to be continuing among that segment of the population who were heavy users in the early 1970s.

The level of domestic commercial production of marihuana was estimated at 1,000-1,200 metric tons in 1981. High-potency varieties, such as sinsemilla, account for an estimated 40 percent of total output. However in 1982, 1,653 metric tons were seized and destroyed which would indicate that either the 1981 estimate was low, there was a sizable increase in cultivation in 1982 or a combination of both.

Imports of marihuana dropped nine percent in 1981 to an estimated 8,700-12,700 metric tons. Colombia supplied 86 percent of this total.

The principal avenue of approach for marihuana smuggling was a route from Colombia through the Caribbean to the Southeastern United States.

For at least several years marihuana use should continue to decline among youth but may remain fairly high among those in the 20-30 year age bracket. Although it is difficult to measure the demand for high-potency marihuana, preference for this type of marihuana is likely to persist and possibly increase among long-time and regular users.

Domestic production of marihuana will continue to spread throughout the country unless it is met with a credible and sustained law enforcement deterrent.

Dangerous Drugs

Stimulant abuse, which continued to increase in 1981, accounted for over four-fifths of the total dosage units of dangerous drugs sold. Because a large dosage of this stimulant is needed to obtain the desired effect, the cost of sustaining this abuse habit is higher than for other types of dangerous drugs.

Abuse indicators reflected the emergence of a new narcotics abuser population using pharmaceutical opiates and narcotics analogs. Initially used as heroin substitutes, these substances are drugs of choice preferred to heroin or used in combination with heroin. The drugs most commonly associated with this abuse

pattern are pentazocine (street name: "T's and Blues"), codeine-glutehimide (street name: "Fours and Doors") and hydromorphone (Dilaudid).

Clandestine laboratories supply all of the phencyclidine (PCP), nearly all of the methamphetamines and about 80 percent of the amphetamines found in the U.S. illicit market.

Diplomatic initiatives with the governments of foreign methaqualone producers were instrumental in sharply reducing supplies to illicit channels before 1982.

Continued international cooperation should restrict the supply of bulk methaqualone to the illicit market. This reduced supply will probably result in the continued marketing of diazepam counterfeits as methaqualone. Abuse of the pentazocine and codeine-glutehimide combinations is likely to intensify. Although Dilaudid has also become popular as a drug of choice, it is so much more expensive than pentazocine that its use may not become a major abuse pattern. Mexican "mini-bennies" may return to the illicit U.S. market if amphetamine abuse continues to grow and domestic clandestine laboratories are immobilized.

Effect of Enforcement Efforts

Our enforcement efforts are having a positive effect now. With the increased resources being allocated to this fight we should

be able to stabilize drug trafficking and reduce its impact on the lives of our citizens and communities.

Our government's commitment to eradicating the drug abuse problem has been conveyed to authorities at the highest levels in source and transit countries. We have seen many positive results from our overseas efforts.

Heroin couriers have been intercepted in Bangkok as they were about to board flights for Guangzhou (Canton), Peoples Republic of China where a number of narcotics arrests have been made by Chinese authorities. Evidence indicates that the heroin contraband was destined for Hong Kong.

The Mexican government has continued its aggressive poppy eradication program. However, it must be noted that countermeasures by the opium cultivators, including concealment, smaller plots and the spread of cultivation of new regions, have resulted in a rise in opium production from an estimated 10 tons in 1979 to 14-15 tons in 1980 and 1981. On the other hand marihuana eradication efforts have achieved considerable success.

The Bolivian government stated its intention to implement coca eradication, although no eradication was actually carried out.

Peru's program to eliminate illicit coca cultivation in the Upper Huallaga Valley within five years entered into the initial implementation phase. The Colombian National Police and Attorney General's office carried out periodic manual eradication of coca bushes in the Llanos region.

On January 18, 1983, the successful undercover penetration of a major cocaine conversion and distribution organization resulted in the delivery and seizure of 50 kilograms of cocaine HCL to agents in Brazilia. Brazilian Federal police have so far seized properties and vehicles valued at a half-million dollars.

Cooperative activities among domestic Federal agencies have resulted in successes such as:

1. The seizure on March 9, 1982 of approximately 3,748 pounds of cocaine in an air cargo shipment at Miami International Airport.

The seizure was the direct result of information developed by the DEA in the follow-up investigation of a joint DEA-U.S. Customs seizure of 90 pounds of cocaine on February 19, 1982, at Miami Airport from another air cargo shipment.

2. On June 24, 1982, the Drug Enforcement Administration, assisted by U.S. Customs Service, Suffolk County Police, Nassau County Police, and the New York State Police, arrested four defendants in Long Island, N. Y. and seized approximately 614 pounds of cocaine which had been transported from Colombia.

Task forces and operations like GROUPER and TIBURON in the southeastern United States, have demonstrated the utility of coordinated enforcement activity and intelligence sharing.

EPIC

Nine Federal agencies participate at the EL Paso Intelligence Center (EPIC). Forty-nine states or state affiliations are now members of the El Paso Intelligence Center. EPIC continues to provide real-time operational feedback on queries. It has been invaluable to the South Florida Task Force effort, working as a check and relay for the interdiction of suspect aircraft vessels. EPIC supports all our major drug operations and also acts as a clearing house for intelligence regarding aliens and guns.

Posse Comitatus

Along with involvement of the FBI, another major development in the drug enforcement effort has been the involvement of the military in drug intelligence operations. We are only beginning to see the results of this new resource.

In conjunction with the South Florida Task Force and related operations, the Navy E2C's (Hawkeye Aircraft) provide detection capability and Army's Cobra helicopters have been utilized as chase aircraft. The Navy has been regularly and increasingly relaying suspect vessel information to EPIC for evaluation and action. The Navy has provided direct assistance to the U.S.

Coast Guard and participated in the boarding and taking custody of a suspect vessel. Coast Guard crews are also onboard some Navy vessels.

We are now working on refining policy and procedures to ensure that the military is fully aware of drug law enforcement's needs and how they can be of assistance nationwide. The Coast Guard is chairing an interagency committee of the DOD, Customs Service, and DEA to funnel requests for military assistance to the drug enforcement effort. We foresee continued equipment and manpower support for vessel and air operations in the Caribbean, for vessel tracking, for surface fleet training, and for marihuana eradication programs in the U.S. in 1983.

Asset Seizures

Enforcement of the laws to ensure that the profits from drug trafficking are reduced has led to action such as:

In Miami, where the government seized and forfeited \$9.6 million in assets including a Wisconsin restaurant, five airplanes, eight bowling alleys, 10,000 shares in the Alaska Cable System and a Lamborghini sports car;

In Fort Worth, where the government became co-owner of a steel mill, three banks, six ranches, a chain of Western-wear shops all valued at \$2 million and an additional \$20 million in Exxon stock; and

In Los Angeles, where the government took over a \$1-million home in the hills of Santa Barbara.

In 1982, total seizures reported under the various applicable laws were again up over the preceding year.

DEA is assisting States to develop laws based on DEA's Model Forfeiture of Drug Profits Act. Eleven States have now passed such legislation and are now putting the proceeds from seized and forfeited property to work for the benefit of law enforcement activities and the community.

Domestic Marihuana Eradication

The domestic marihuana eradication campaign is now an ongoing DEA/State effort. DEA began its model eradication program in 1979 in Hawaii and California and now there are 26 individual state programs in various phases of implementation.

The use of paraquat in the Florida eradication program is a milestone in the domestic marihuana eradication strategy. I hope that where it is appropriate, feasible, and cost effective, other states follow Florida's lead. The use of this herbicide is a clear signal--and one that is needed--to the governments of drug source countries, that the United States is seriously committed to drug eradication.

In 1982, 3,625 separate plots were raided and more than 2 million marihuana plants destroyed.

This program will be expanded during the 1983 growing season and major strides should be made in the next few years.

State and Local Assistance

The investigation of drug trafficking is a joint responsibility of Federal, State and local authorities.

DEA's State and local task force program, wherein we apply about 100 agents and the State and local agencies about 300 officers ensures that there is sufficient activity geared to the violent-street-level and mid-level drug trafficking.

DEA can assist the States in other ways, also, to bring positive results in the overall drug abuse problem. We have been providing counsel and prepared model legislation which addresses the drug paraphernalia problem. Approximately 35 states, the District of Columbia and hundreds of municipalities have responded and passed legislation. Recent Supreme Court decisions affirmed the constitutionality of municipal drug paraphernalia statutes which are less restrictive than DEA's Model Drug Paraphernalia Act .

The problem of "look-alike" drugs, over the counter preparations designed to look like prescription drugs, is very much analogous to the paraphernalia problem. Even though DEA has no authority

under the Controlled Substances Act to proceed against these manufacturers and distributors, we have been assisting the states by drafting model legislation to assist in the development of an appropriate response.

Middle East

In view of the Subcommittee's particular interest in the Middle East drug trafficking situation, I have attached a summary of activity in that area.

Conclusion

No crime problem is more important than drug trafficking and drug abuse; no problem is more challenging to law enforcement at every level--Federal, State and local.

This Administration has made clear its commitment to drug control and minimizing the crime associated with drug trafficking.

I am confident that the implementation of the initiatives I have discussed today will have significant impact on the problem. I want to acknowledge the continuing support of this Subcommittee and thank each of you for your interest. I will be pleased to answer any questions you may have.

Middle East Drug Trafficking Situation

Political upheavals affected the access of foreign traffickers to opium supplies in Iran and Afghanistan. They were not the only reasons for the changes in smuggling routes noted in the Middle East, however. Tougher inspections by Yugoslav and Bulgarian customs authorities, as well as the imposition of transit visa requirements on Turkish nationals by most West European countries, apparently influenced some smugglers to travel increasingly via Greece. Turkish and other Middle Eastern traffickers continued to use Schonefeld Airport in East Germany as a visa-free route to West Berlin. Most of the morphine base used in heroin conversion laboratories in Italy and France was smuggled by sea from Turkey, Lebanon and Syria.

Supplies of opium in Southwest Asia will continue to be abundant and the prospects for effective enforcement action in the region remain bleak. However, recent enforcement action by Pakistanian authorities after Attorney General Smith's visit to Pakistan are encouraging. An example is the twenty-seven heroin laboratories which were turned over to Pakistanian authorities. Nevertheless, the real test of the government's resolve to enforce its opium ban will come as prices begin to recover. By itself, in an exceptional year, Pakistan can out produce the Golden Triangle. The 1981 harvest has probably not exceeded the previous year's harvest estimated at 125 metric tons. Afghanistan is likely to

be an unknown facet in Southwest Asian opium productions so long as the stalemate in Soviet occupation continues. Although new opium laws have been enacted in Iran, it remains to be seen whether the government can regain control of opium production within its territory.

Turkish traffickers can, to a considerable extent, circumvent restrictions on the movement of Turkish nationals through the Balkans and into West Germany by altering smuggling routes and using couriers of other nationalities. Continuing their operations within Turkey under a tough martial-law regime will present greater difficulties. The upheavals in the Middle East indicate further difficulties for U.S. efforts to stop heroin shipments near their source. The Franco-Italian trafficking syndicates will probably maintain their access to supplies of Middle Eastern opiates and are likely to increase their already formidable position in the U.S. market.

In late 1982, a joint investigation, involving the DEA Offices in Nicosia and Athens along with their counterpart organizations in Greece and Cyprus, culminated in the seizure of 30 kilograms of SWA heroin and 22 tons of hashish. The SWA heroin was destined for Italy and intelligence reports indicate that an organized crime group with connections to the United States was the intended recipient.

In Turkey, Operation GAZI and the recently started Operation MED have developed excellent intelligence which has led to both enforcement operations and a clearer picture of the flow of morphine base and heroin from the growth countries in Southwest Asia to the distribution points in the Middle East. Operation GAZI is directed at obtaining both tactical and strategic intelligence in Eastern Turkey, which in time has been used to commence operations that have been successful in seizing both heroin and morphine base in multi-kilogram quantities during 1982 and early 1983.

Operation MED is directed at maritime smuggling from the Eastern Mediterranean to the ports in Western Europe and the United States. DEA Offices in Athens, Istanbul, Ankara and Nicosia are participating and have already developed much needed intelligence to support operations directed against long-documented smuggling groups that primarily use maritime transportation in their heroin trafficking ventures.

The DEA Nicosia Country Office in December 1982 joined with Lebanese authorities in the first enforcement operation since the closure of the DEA Beirut Country Office in 1976. A major source of supply responsible for importing at least 300 kilograms of heroin from Beirut to Detroit, was arrested as he attempted to depart Beirut with three kilograms of pure heroin destined for the United States. Both the New York and Detroit Offices had major investigations directed at this source of supply.

Israel continues as a consumer of heroin principally supplied by trafficking groups in Istanbul, Turkey. The New York DEA Office has coordinated several investigations with European DEA Offices, the Istanbul and Ankara Offices and the Israeli National Police involving members of the so called "Israeli Mafia" who operate throughout Europe and the Middle East and import SWA heroin into the United States.

Egypt continues to be an importing and consumer country and plays little role in transshipment of narcotics to Western Europe or the United States. Egyptian nationals are used as couriers throughout the Middle East and Europe and occasionally are used to bring heroin to the United States and Canada.

Pakistan is the single largest producer of heroin in the Middle East and Southwest Asia. Seizures of heroin in Pakistan will approach the two ton level of 1982. In a major political move, the Government of Pakistan has notified the heroin manufacturers in the North-West Frontier Provinces (NWFP) tribal areas that manufacture of heroin will no longer be tolerated. Seventeen (17) primitive laboratories have been turned over to the authorities in the past two months.

The Karachi DEA Office is extremely active in identifying heroin smuggling ventures that are based in Karachi and supply both Western Europe and the United States. This effort has been highly successful and, at least weekly, the Karachi R.O. supplies information that leads to multi-kilogram heroin seizures in the major airport cities of Western Europe.

SUMMARY STATEMENT

Mr. MULLEN. This appropriation finances a domestic program in each of our 50 States, and foreign operations in 42 countries, as well as eight forensic laboratories across the country, and the Federal, State and local task force program which operates in 19 major metropolitan areas.

Program increases will strengthen and modernize the foreign operations, the vehicle fleet, and our ADP and laboratory services program.

The number one crime problem confronting America is drug trafficking, which is inextricably tied to organized crime both in the traditional and nontraditional sense. Outlaw motorcycle gangs, Colombian cocaine cowboys, LCN syndicates and the other organized crime groups are more often than not violent profiteers exploiting a broad range of our population.

Our goal is to stabilize and then to minimize the drug problem by ensuring that the traffickers are apprehended and convicted, that their drugs are removed from the marketplace and that they lose their profits and proceeds.

In the past year we have made great strides in the drug enforcement program. For the first time we have seen the military provide assistance to the drug campaign. Last year the Attorney General restructured DEA and gave the FBI concurrent jurisdiction to enforce drug laws. This alliance has been very effective. For example, the number of court-authorized drug-related wiretaps has tripled with FBI involvement and support. The number of FBI narcotics cases has increased from under one dozen to well over 1,100, which is in addition to DEA's 7,500 ongoing investigations. The number of DEA fugitives apprehended has increased significantly. The FBI is apprehending somewhere between 30 and 40 fugitives on behalf of DEA each quarter of the fiscal year.

In general, DEA/FBI coordination of training programs, scientific laboratory programs and criminal information-sharing has progressed very well. We are now embarking on other major endeavors.

Last October President Reagan announced an 8-point initiative to combat drug trafficking by organized crime which is authorized in the further Continuing Resolution for 1983.

One initiative is the 12 organized crime drug enforcement task forces which cover the entire country. Under the Attorney General's direction the Federal enforcement agencies are working cooperatively drawing upon the expertise of each of the participants to conduct investigations at the highest levels of the drug traffic in order to reach the principal players and to destroy the market structure that has developed.

I would like to emphasize, however, that this task force program will be supplementing and not supplanting the ongoing efforts of the DEA and FBI.

Another significant component of DEA's enforcement program is our State and local effort. State and local task forces which are geared toward the violent, mid-level and street level violator are an important avenue of support for the State and local enforcement.

The El Paso Intelligence Center continues to provide the intelligence support for their operations; 46 States are now on-line in the El Paso Intelligence Center program.

As part of the President's initiatives we are continuing and enhancing the State and local training program.

DEA's domestic eradication program now in place in 25 States has been extremely effective. Together we eradicated over 1,600 metric tons in 1982.

In conclusion, Mr. Chairman, I believe that the programs now in place have great potential to build upon our recent accomplishments. We will be able to minimize the drug problem and the related problem of violent crime.

I appreciate the support of this Committee and the Congress. I will be pleased at this time to answer any questions which you may have.

COCAINE CURRENTLY DRUG OF CHOICE

Mr. SMITH. Is one kind of drug becoming more popular than other kinds?

Mr. MULLEN. It appears of late that cocaine is the drug of choice. A large segment of our population seems to be increasing its usage of cocaine at a very rapid rate.

Mr. SMITH. What is the origin, what countries?

Mr. MULLEN. Most of our cocaine, perhaps in excess of 80 percent, comes from Colombia, as does the vast bulk of our marijuana, in excess of 70 percent.

Mr. SMITH. Why is that becoming more popular? Is it easier to get than some other drugs, or is it preferred?

Mr. MULLEN. It is a matter of preference. It appears as though the use of marijuana has peaked at about 25 million plus United States citizens. But I believe that through the educational programs, the knowledge now of the actual physical harm that comes from the use of marijuana is becoming more and more known, even among our youth.

We haven't been as effective in making known the dangers of cocaine. It is just something that some feel is not a harmful drug, whereas in fact it is.

INFORMATION SOURCES ON DRUG EFFECTS

Mr. SMITH. How can we make information concerning the effects of cocaine more available?

Mr. MULLEN. We have some significant programs under way. Mainly under the direction of Carlton Turner. Dr. Turner is the senior policy adviser at the White House.

We are enlisting the aid, for example, of professional athletes and people from the entertainment industry.

Another recent program I think is going to be very effective is one being supervised by the McNeil Laboratories. That program is to enlist the pharmacists all over the country. It turns out we have not been using this tremendous resource. Here we have people in every community who are perhaps the most knowledgeable on the drugs that are available and their effect on people. McNeil is providing them with special materials.

WORK OF NATIONAL INSTITUTE OF DRUG ABUSE

Mr. SMITH. How close are you associated with NIH studies and the Mental Health Institute's activities in this area?

Mr. MULLEN. NIDA, the National Institute of Drug Abuse, is closely associated with NIH, their studies, and getting out information which comes from NIH. The DEA works very closely with NIDA.

Mr. SMITH. I hope they are more helpful than they were with marijuana studies. I was distressed that two or three years in a row they appeared before another Subcommittee and said, "We have no proof that marijuana is harmful." They didn't have any proof it wasn't, either. But the way they stated it, they led people to believe there was nothing wrong with marijuana, that it wouldn't hurt you.

Mr. MULLEN. That is simply not the case, Mr. Chairman.

Mr. SMITH. Of course we know that now. But I think that alone caused some younger people, at least, to use it thinking it didn't make any difference, it didn't hurt. If they had known, I don't think some of them would have done it.

DOMESTIC ERADICATION PROGRAM

What about the domestic eradication program?

Mr. MULLEN. We have expanded the program significantly. In 1982, 25 States were involved. The interesting thing in the domestic eradication program is that we eradicated in excess of 1,600 metric tons, whereas prior to this year, in 1981, we estimated that only 1,200 metric tons were being grown. So, as we can see, we have had a significantly higher growing of marijuana in this country than we had suspected. It could be four times that amount. It could be close to 8,000 metric tons.

Mr. SMITH. The eradication program includes both that raised for the purpose of use and also that grown wild; is that right?

Mr. MULLEN. Well, we concentrate on that being grown commercially. If we detect some growing wild we, of course, would also eradicate it.

This program, Mr. Chairman, is sponsored by DEA. We provide the training. We train observers how to spot marijuana plots from the air. But it is mainly handled by State and local authorities. The States provide the aircraft and the officers who go in and actually do the eradication.

Mr. SMITH. What problems are they having in this regard? Some of the States are having problems, aren't they, with people not wanting them to use chemicals?

Mr. MULLEN. Yes. The paraquat issue comes up time and time again. As you know, paraquat is a commonly used weed killer, used extensively in Florida and in the San Joaquin Valley in California. But I think this is probably an area where we have kind of lost what I would call the propaganda war. Those who would be in favor of decriminalization of marijuana have somehow convinced authorities, and in some cases the media, that paraquat is harmful.

We have not detected one single case where the spraying of paraquat has caused a health hazard or injury to any individual.

Mr. SMITH. I don't think there is any doubt it could be harmful, but I think it ought to be advertised. I think that is one of the things that really would hurt the sale of the stuff, if users didn't know for sure whether or not they were getting something that would be harmful.

I still think that we are missing a useful tool by not using some kind of a chemical that people can't detect but which makes them nauseated when they use it. It seems like a lot more could be done in the area of working with the States on this kind of thing.

Now, the FBI involvement and support, is that working out?

FBI INVOLVEMENT

Mr. MULLEN. It is working out, Mr. Chairman, better than most of us had hoped. I can cite statistic after statistic and I think the results have already begun to flow from that.

For example, when we started working together the FBI had less than 100 narcotics cases. Now it is up to 1,135.

I don't believe you can succeed in the drug enforcement effort without significant use of the court-authorized wiretap. In the first nine months of 1981, DEA was able to use the wiretap on 23 occasions. Now, the first nine months of 1982, with FBI support, we used the wiretap on 81 cases. That is a 226 percent increase.

It was not a matter of DEA not having the expertise or the ability to install and maintain a wiretap, but they require significant numbers of investigators.

When we started there were 12 investigations being worked jointly, that number now exceeds 300. All of these are very significant cases and many of those involve some form of public corruption where you have a public official involved in drug trafficking activity or facilitating drug trafficking. So I think the program is working well.

We have fully trained over 280 FBI agents as drug investigators at the DEA Academy. We have field trained almost all FBI agents, given them a three-day familiarization course. We hope to fully train an additional 300 FBI agents this year.

DRUG ENTRY POINTS

Mr. SMITH. You say that the principal origin of cocaine, 80 percent of it, is from Colombia. What are the entry ports into the United States?

Mr. MULLEN. Well, for many years the main supply point was South Florida, but we have had ongoing now since March of last year the Vice President's Task Force. It is a task force designed to attack or interdict the flow of drugs. It has proven successful.

We now find cocaine coming into many areas of the country. The trafficking has moved up the East Coast, for example, and has moved inland. Just this past week we had a plane crash here in Virginia with approximately 800 pounds of cocaine.

Mr. SMITH. Where did that plane come from?

Mr. MULLEN. Where did that originate? We have not yet determined that, Mr. Chairman, but I would venture to say it will be Colombia when we do.

Most of these aircraft do originate in Colombia and stop perhaps at way stations, perhaps the Caymans or the Bahamas.

MARIJUANA ORIGIN

Mr. SMITH. What is the principal origin of marijuana now?

Mr. MULLEN. Again the main source, over 70 percent is Colombia.

Mr. SMITH. It has moved out of Mexico?

Mr. MULLEN. The Mexicans have been very effective in the past with their eradication programs. We are seeing a slight increase in the marijuana coming from Mexico, but it is mainly Colombia, Jamaica, and Mexico, and then the domestic supply.

Mr. SMITH. We have had excellent cooperation with Mexico. Some of us have been down there and visited with the Attorney General of Mexico, and they are really serious about it. That simply moved it out of Mexico, didn't it?

Mr. MULLEN. It did. But what you have, Mr. Chairman, is every six years the change of Administration in Mexico. We have recently experienced one, and there seems to be a slight decline or dip in the effort that normally picks up once the Administration gets into place and we have had a chance to meet with them and confer with them.

Mr. SMITH. We are not getting that kind of cooperation out of Colombia, are we?

Mr. MULLEN. Not really, we have seen improved cooperation, but not to the extent we would like or believe necessary.

HEROIN ORIGIN

Mr. SMITH. What is the principal origin of heroin?

Mr. MULLEN. The principal origin is Southwest Asia, the Middle East, Pakistan, Afghanistan and Iran. We estimate as much as 54 percent is coming from that area; perhaps 10 percent from Southeast Asia, with the rest coming from Mexico. But the main source of our heroin at present is Pakistan. It goes through the Middle East, through Greece, Yugoslavia, perhaps through Cyprus and on to Italy where it is actually processed into heroin. You have the morphine base going into Italy and then onto the United States.

Mr. SMITH. Are you proposing to increase the number of personnel in the Middle East, primarily for the interdiction of heroin?

Mr. MULLEN. That's correct, gathering intelligence and working with foreign police in interdicting the heroin flow. We do have ongoing intelligence operations in the Mediterranean, Operation Med, and another operation there which is designed to gather intelligence, to identify the ships and the individuals trafficking in heroin.

Mr. SMITH. Primarily our increased effort is going to be in Italy, in Cyprus?

Mr. MULLEN. That's correct. Italy mainly, because at one time France was the country wherein the heroin was being processed and sent to the United States. It seems the activity has moved to Italy.

We would consider Cyprus if things change; if conditions change in Lebanon we would like to have some agents there; perhaps in Turkey.

FOREIGN GOVERNMENT COOPERATION

Mr. SMITH. Are we getting the kind of cooperation you think we should from those governments?

Mr. MULLEN. Yes. Just this past week I traveled to France and met with the French, the Italians and the Canadians. We are getting the cooperation we believe is necessary.

Mr. SMITH. What about Cyprus?

Mr. MULLEN. Cyprus, yes, we are getting cooperation there. We do have problems, of course, with countries such as Iran, Afghanistan, where we just have very limited knowledge as to what is happening.

Mr. SMITH. It comes through some other country on the way; is that right?

Mr. MULLEN. Normally Pakistan, although we have detected extensive activity on the part of Iranians in trafficking in this country.

Mr. SMITH. In this country?

Mr. MULLEN. Yes, sir.

Mr. SMITH. How do they get it here?

Mr. MULLEN. The main routes I indicated before, mainly by air, and going through Europe and on into the Northeastern United States.

Mr. SMITH. You said Europe. You are talking about Italy and Cyprus now?

Mr. MULLEN. Yes, it goes through there.

ORGANIZED CRIME EUROPEAN CONNECTIONS

Mr. SMITH. So that is still the key area?

Mr. MULLEN. Still the key area, especially Italy and Sicily, because of the involvement of the Mafia and La Cosa Nostra elements in those countries.

We find organized crime heavily involved and perhaps responsible for as much as 80 percent of the heroin coming into the Northeastern United States.

REESTABLISHMENT OF OPERATIONS IN BEIRUT

Mr. SMITH. Mr. Dwyer?

Mr. DWYER. Thank you, Mr. Chairman.

I notice in your statement that drug enforcement operations ceased in Beirut in 1976. Would that be because of the political situation at the time?

Mr. MULLEN. That's correct.

Mr. DWYER. Do you intend to reestablish that operation?

Mr. MULLEN. We intend to. Right at this time we are going to place two agents in there on temporary duty, as the situation permits. If it becomes volatile again, we will have to remove them.

We have not noticed any change really as a result of the Israeli activity in Lebanon. In other words, it did not have an impact as

far as we can see on the drug trafficking activity because most of the drug trafficking activity was taking place in the northern part of the country. That remained pretty well untouched.

Mr. DWYER. Business as usual?

Mr. MULLEN. Yes, sir.

AIR SURVEILLANCE

Mr. DWYER. The plane that crashed in Virginia, was that plane being tracked by some of the surveillance that we are capable of, namely AWACS?

Mr. MULLEN. I am told it was not being tracked.

Mr. DWYER. It was not being tracked? How would that happen that it would not be tracked?

Mr. MULLEN. With covering a vast area out there, we are receiving some very positive, some very significant help from the military. For example, the Navy E-2C radar aircraft. But we cannot keep the aircraft up 24 hours a day. The Navy gives us an option. They give us so many days per month and discuss where we would like those planes located. We vary it. For example, we may put them off the Atlantic Coast, we may put them off the Gulf Coast, Texas, New Orleans, off of Florida, somewhere in the Caribbean. So it may be at that time that area was not being covered.

It could be, as we haven't really determined the origin of the plane yet, it could be that cocaine came in on a ship and the plane took off from somewhere in the United States. So there are many reasons why that could happen.

We are not claiming, even though we have a much enhanced effort, that we are getting all of them.

Mr. LAWN. If I may add, sir, in addition, the traffickers' planes involved have their own techniques for getting through certain coverage. For example, an aircraft that has filed a flight plan will be followed by a trafficker's aircraft in very close proximity. The plane with the flight plan will land where he ostensibly has indicated his landing site to be; the second aircraft will then divert to an adjacent airfield with the cocaine.

Mr. DWYER. Well, if you had the availability of military surveillance say on an around-the-clock basis, would this stop most of the cocaine coming in from Colombia?

Mr. LAWN. Yes, sir, with the same imprimatur; pretty much.

Mr. SMITH. Pretty much.

Mr. MULLEN. Of course, we are pointing toward that goal, even if it means civilian acquisition of the radar capability. We are enhancing our radar capability through perhaps surplus military equipment, something of that nature.

Mr. DWYER. Are there any moneys in this 1984 budget for enhancing that capability?

Mr. MULLEN. Not in our budget, Congressman Dwyer, but I do understand (I don't want to speak for another agency) Customs is exploring that in their budget.

PUBLIC CORRUPTION

Mr. DWYER. You mentioned public corruption as being a real problem in this area. Have there been any indictments and convictions in that regard?

Mr. MULLEN. There have been many indictments and convictions. I am not pointing the finger at any level or any branch of government. It has even happened at the Federal level right in our own agency. But we have had cases, for example, the Henry County, Georgia case where the sheriff, chief of police, airport manager, and probate judge were all convicted of drug trafficking.

One of the mothers of a high school teenager said, "That was the very chief of police who used to go to the high school and lecture my children on the dangers of drugs."

So, yes, we have had a number of indictments and convictions.

I think we have to eliminate that problem or we will never get to the bottom of our drug problem.

Mr. DWYER. How about with Federal employees? I mean not necessarily within your own agency, but State Department? I seem to have read an article not long ago where someone made the statement that a State Department employee brought some drugs into the country.

Mr. MULLEN. We have had a limited number of cases where we have had drugs brought in through the diplomatic pouches. We had a case in Chicago involving a Thai diplomatic official, recently convicted.

I am not aware currently of any problem with regard to our own government officials in that area.

ORGANIZED CRIME

Mr. DWYER. You mentioned organized crime is now controlling 70 or 80 percent of the flow in the Northeast. It was thought that organized crime at one time was not involved in narcotics. That might have been from the movies. But have they always been involved in it, quite honestly?

Mr. MULLEN. I believe that they have been. I believe that was a myth about their non-involvement. As you know, for many years there were some Federal officials who didn't believe that organized crime existed, and I think we are all convinced now that it is there, and that they are heavily involved in drug trafficking activities even with heroin.

BANK COOPERATION

Mr. DWYER. Just one more question, about the tracing of money, the tremendous sums of money that are involved here. I was amazed some years ago, when I was in Florida, I saw an ad in the paper where they were advertising safety deposit boxes open 24 hours a day 7 days a week. The advertisement was worded so that you got the impression you could walk in and out, and no one would be looking at you. So there are tremendous sums of money involved.

Are banks attempting to trace these significant flows of money? What is the extent of the cooperation you are getting from the banks?

Mr. MULLEN. For the most part we are getting good cooperation from the banks. Of course we do have some cases of banks being involved. Recently a bank itself was indicted along with most of its officials. But we do have an ongoing program with United States Customs, Internal Revenue and FBI, to trace the money flow.

I think this is a key to the drug enforcement effort, not only to trace the money but then to seize the money and the assets.

In 1979 DEA was only able to seize \$13 million worth of assets. In 1982 we seized \$191 million in assets. I think there is a potential out there to seize much more.

I think that has to be one of the pillars of the drug enforcement effort, to seize and forfeit the assets of the traffickers.

Mr. DWYER. Thank you.

Mr. LAWN. In addition, on your question, Congressman Dwyer, we are also capitalizing on the very issue that you mentioned in Florida, in that DEA and the FBI are becoming involved in long-term undercover operations in which the undercover agent acts as the money launderer. The most notable in recent times was the Operation Swordfish in Florida, where indictments were brought last year. So we are capitalizing on this type of venture that is going on around the country.

NARCOTICS LAW ENFORCEMENT AGENCIES

Mr. SMITH. Mr. Mrazek.

Mr. MRAZEK. Aside from the FBI, the Customs Service, and the DEA, how many different Federal agencies are involved in enforcement of narcotics laws?

Mr. MULLEN. For enforcement of the narcotics law you have not just DEA and the FBI, but many other agencies. I do not think I can name them all, but I think it is in the area of about 32 which may have some interest in the drug enforcement effort. It could be Agriculture, for example, the check station of marijuana plants being brought in the country, something of that nature.

Mr. MRAZEK. As far as enforcement, is it just the FBI and DEA?

Mr. MULLEN. They have jurisdiction of the title 21 law, that is correct.

DEA/FBI COOPERATION

Mr. MRAZEK. How closely do you work with the FBI? Are all of your investigations jointly shared when it comes to investigations of specific drug trafficking that you are investigating?

Mr. MULLEN. There may be cases where the FBI or DEA is working exclusively, but we have specific written guidelines and I could make a copy of those available to this Committee. You must have a principal or lead agency and that agency is the DEA. So when the FBI is working a drug case, DEA is notified, and so has knowledge and we have regular liaison.

A DEA agent at headquarters is stationed at the FBI, an FBI agent is at DEA, and the same type of liaison occurs in the field.

So we have regular coordination, definite guidelines, and very, very close liaison.

Mr. MRAZEK. Aside from the general surveillance that the Navy provides, Cobra helicopters and Hawkeye and so on, when you become actively involved in an investigation of one particular family or one particular group of smugglers, how openly do you share that information with the FBI?

Mr. MULLEN. Totally open. In fact at two o'clock today we will be having a meeting of all of the DEA headquarters supervisors and all of the FBI headquarters supervisors to thoroughly discuss all of the cases, to make sure we are not missing on any. There is a complete and open exchange of information.

Mr. MRAZEK. Aside from information, what about the resources that are available to both agencies? Are they generally shared?

Mr. MULLEN. They are shared. I earlier mentioned the court authorized wire taps. Where there may be a wire tap, the DEA mans the wire and the FBI conducts the field investigation or vice versa, or it is shared down the middle. So there is an exchange of information.

A case occurred recently in Florida that DEA wanted to pursue and could not because of lack of resources. We then went to the FBI and 15 agents were made available to assist.

LOCAL ENFORCEMENT COOPERATION

Mr. MRAZEK. How closely do you work with local enforcement agencies, such as the New York City Police Department? Do you openly share the resources and information with local enforcement agencies?

Mr. MULLEN. We do. You picked perhaps the best example in the country. We have the joint DEA, State and local task force in New York. I recently met with Commissioner McGuire, who said he hoped that this was institutionalized and not just something temporary where the right individuals have come together and have been put together because it was working so well.

We have a system which we call DECS, and by that system any local police agencies involved in the task force can make an inquiry on an investigation. The local police also have access to the NADDIS DEA computer files containing identities of traffickers.

Mr. MRAZEK. Concerning the problems you spoke about earlier in regard to subversions through bribery, vast quantities of money for local police officials, do you think it is wise to institutionalize a system in which you will be sharing all of that information with local law enforcement agencies?

Mr. MULLEN. Yes, I think it wise. I think you have a higher consideration, which is that you have to have the faith and confidence in your local police agencies. Should we detect a problem on an investigation, we would isolate it, but until there was a good reason for doing so, until the highest officials of the police agencies were involved, we would perhaps go to the head of the agency and secure their assistance in working the case. We have done this in a number of cases.

The recent Chicago case, for example, when we did detect some criminal activity on the part of the police officers. We were able to go to the head of the agencies and work on the case with the police.

Mr. MRAZEK. There seems to be a regular turnover in terms of police personnel who are assigned to investigate drug traffic on a local level, in some cases due to constant investigations that seem to be taking place about leaking information to organized crime sources. I am concerned about that particular issue.

HAWKEYE AIRCRAFT

As far as the utilization of the Hawkeye aircraft, are you talking about possible civilian acquisition by your agency or some civil agency acquiring that aircraft?

Mr. MULLEN. Not actually of the Hawkeye, but a radar capability. I think the Hawkeye would just be prohibitively expensive for an agency such as DEA or Customs to operate.

Mr. MRAZEK. Have you asked the Navy for 24-hour surveillance with the utilization of the Hawkeye?

Mr. MULLEN. We have asked for all that they can give us, I do have specifics. I would rather give it to you in closed session as to exactly what we are doing so I would not be giving out intelligence information.

Mr. MRAZEK. Are you ready to take advantage of that resource in terms of the ability to apprehend the number of traffickers that might be revealed through that kind of total surveillance?

Mr. MULLEN. I believe we are.

Mr. MRAZEK. You have the resources?

Mr. MULLEN. We have the resources.

COBRA CLASS HELICOPTERS

Mr. MRAZEK. Who provides the Cobra class helicopters?

Mr. MULLEN. The U.S. Army, and normally they are operated by U.S. Customs.

Mr. MRAZEK. Are they fast enough to track most of the planes you are dealing with?

Mr. MULLEN. They are fast enough, and again I am speaking for another agency. The success rate, once we identify an aircraft and it is tracked, went from 50 to 100 percent with the use of the Cobra.

Mr. MRAZEK. Fifty to 100 percent.

Mr. MULLEN. Yes, that is what I have been told. I would rather have Customs speak, but this is the information I have.

Mr. MRAZEK. If we were to gain the support of the Army and Navy in providing those resources, the E2C and the chase helicopters for you, would you see that as making a substantial, if not dramatic, dent in trafficking in narcotics from South America, or would they simply move to ships or slower methodology?

Mr. MULLEN. I see it as making a substantial dent, and it is making a substantial dent. They will resort to other means, would use ships. We recently detected some traffickers off of San Francisco using scuba gear to come in from the ships with cocaine. But I believe with the new task force concept that we will have the ability to be flexible and to meet the challenge.

Mr. MRAZEK. I think it would be a lot easier to track those ships and planes.

Mr. MULLEN. That is right. Yes.

AROUND-THE-CLOCK SURVEILLANCE

Mr. MRAZEK. Has the President talked about actually committing the kinds of resources necessary through the Army and Navy in providing around-the-clock surveillance and chase capability for you?

Mr. MULLEN. I believe so. About a month and a half ago we convened a conference at Fort McNair and the one hangup, the one problem area we were having is a reimbursement clause with regard to use of military equipment and facilities. But Ed Meese appeared before this conference, and we had about 300 military representatives, and he made the statement, that he had spoken to the President that very morning and he said that reimbursement was not to be sought until absolutely required by law. So he made that very clear that the President supported the utilization of military equipment.

Now, I believe that the law enforcement agencies do understand that the military has a primary mission, the defense of the nation, and we would not want to adversely impact upon that, and so we are very selective.

Mr. MRAZEK. I am not aware that we are facing any imminent invasion from Cuba or any other threat in our hemisphere.

Mr. MULLEN. We would not want to make excessive demands.

Mr. MRAZEK. I don't think it is necessarily excessive when you talk about the chance to curtail substantially drug traffic coming into this country, and most of it, at least as far as cocaine and cannabis is concerned, is coming in from South America.

We have a chance to make a tremendous dent in that, and essentially you have the resources to handle it if we can get the Army and the Navy to provide the radar surveillance and the chase equipment. So basically, I guess what we have to do is go to the Army and Navy and ask them to provide that around-the-clock surveillance?

Mr. MULLEN. And we are doing that. It is an evolving process and it improves with each passing day. It is not 100 percent yet of what we would like.

Mr. MRAZEK. What percent of coverage do you have of the eastern seaboard right now on a 24-hour basis, 5 percent, 50 percent, 75 percent?

Mr. MULLEN. You mean our coverage of any part of the eastern seaboard?

Mr. MRAZEK. The areas you think are most sensitive. Say from Cape Hatteras south.

Mr. MULLEN. We could not say we have 24-hour radar coverage for civilian law enforcement in any area. We do have 24-hour coverage with our Coast Guard ships, Navy ships and so forth of the sea lanes in the Caribbean, but I could not say we had 24-hour coverage of any area for civilian law enforcement.

Mr. MRAZEK. What percentage of coverage do you think you have or is that something you prefer to talk about in closed session?

Mr. MULLEN. I prefer to mention that in closed session, if I could.
Mr. MRAZEK. Thank you, Mr. Chairman.

SPACE PROBLEMS

Mr. SMITH. With regard to the move, tell me about your space problems.

Mr. MULLEN. Space problems in our budget request relate to the ADP, automatic data processing, and we just do not have the space at our headquarters at 14th and I to handle it.

Mr. SMITH. Does it need to be close by? Where is it needed? Where could you use it?

Mr. MULLEN. It should be relatively close by, but within the city, I would say. We do have locations picked out and we are prepared to make the move if we receive the funding.

Mr. SMITH. Did GSA locate this space for you or how did you get it?

Mr. MULLEN. GSA located the space.

Mr. SMITH. What is the cost per foot?

Mr. BARNETT. It is a Federally owned building, Mr. Chairman.

Mr. SMITH. But what is the SLUC charge?

Mr. BARNETT. We are not charged by individual buildings, sir, it is a flat rate that we are charged. Presently, the flat rate we are charged for office space in the building to which we propose to move the ADP/teleprocessing equipment is \$8.14 per square foot. However, GSA charges a substantially higher rate for specialized ADP space, and we would anticipate paying a higher rate shortly after the equipment is installed.

Mr. SMITH. That is kind of a high cost area, isn't it?

Mr. MULLEN. It may be. For the area we are in I believe our rate is only \$5 per square foot. It is a very low cost but that is averaged out with other agencies and we pay in the area of \$11 a square foot even though the cost to the GSA is only \$5 per square foot.

Mr. SMITH. What is GSA charging you?

Mr. MULLEN. I believe it is \$11, \$11 or \$12 a square foot.

Mr. BARNETT. Mr. Chairman, if I may, that is an old building. The old Weather Service Building is in an area of town that is not a high priced space.

Mr. SMITH. They are trying to move us over in that area or that district, although I would not say that particular block. How much is your increase from GSA in your charges for space in this budget?

Mr. MULLEN. \$3.2 million.

Mr. SMITH. What was your cost this year?

Mr. HAUSLER. \$15 million after the reduction.

Mr. SMITH. I think that fairly well covers what we need to in open hearing, unless there are more questions. Thank you very much.

We have some additional questions which we will submit to you and ask you to supply the answers for the record.

[The questions referred to and the answers follow:]

QUESTIONS SUBMITTED BY CONGRESSMAN SMITH

DRUG ENFORCEMENT ADMINISTRATION

FY 1983 Pay Supplemental

How much of the FY 1983 pay increase have you been required to absorb by OMB?

Of the pay raise requirement of \$7,714,000, \$380,000 was targetted for absorption.

In which of your programs are you going to absorb this requirement?

The requirement to absorb \$380,000 was targetted to be allocated across all DEA programs so as to minimize the impact on any one area. However, as a consequence of the Office of Management and Budget's (OMB) directive to utilize the \$2,500,000 restoration for other than workyears, it has been proposed that the absorption be taken from this restoration.

1983 Restoration of Funds and Workyears

In the 1983 Continuing Resolution Congress restored \$2,500,000 and 100 workyears, which were proposed for elimination in the 1983 budget. Has your 1983 end-of-year employment ceiling been increased sufficiently to enable DEA to use these funds to restore the 100 workyears?

The 100 workyears are not to be restored in 1983. The impact of the realignment of the Federal drug enforcement structure to include the FBI, DEA's own internal reorganization to provide for enhanced management of the drug control effort, and the infusion of resources from the Organized Crime Drug Enforcement (OCDE) program should minimize the requirement for additional workyears in 1983.

The \$2,500,000 restoration will be utilized primarily to provide resources for such unfunded programs as domestic marihuana eradication and to offset the 1983 required pay raise absorption.

Please provide a list for the record of how these workyears will be allocated.

As discussed in the preceding question, no workyears are being restored.

1983 Reorganization

In June of 1982, DEA requested the authority to undertake a major reorganization of its field and headquarters operations. Has that reorganization been completed and can you provide for the record a summary of the changes that were made?

Yes, that reorganization has been completed. A summary of changes follows:

The Headquarters element that administers enforcement operations was reshaped along drug functional lines, rather than along geographical divisions.

The drug investigative sections are the focal point for most operations matters. These "desks" have the general responsibility for our enforcement program worldwide. Now, one Special Agent/Cordinator monitors an investigation from the initiation at the drug source, often outside the United States, through the transshipment and delivery phases, regardless of where in the world the action develops. I expect that when called upon the agent in charge of a drug desk will be able to give an assessment of the international picture in his area of responsibility.

Special Enforcement Operations (SEO), which include the former CENTAC and Mobile Task Force Programs, are run by the appropriate drug investigative sections. Similarly, the Office of Intelligence has been realigned along drug functional lines to better support the enforcement program. Our intelligence program will be focused on investigative support.

We have also established an Investigative Support Section to coordinate the specialized enforcement elements that support ongoing investigations. Programs such as the Task Forces, the Air Wing, and the passport, fugitive and technical operations activities are managed by this section.

The regional concept was replaced with a direct reporting system. We now have 19 field divisions, each of which has a Special Agent in Charge (SAC) who reports directly to Headquarters. The smaller offices report through the SAC of their division.

This system fosters better Headquarters response to the field and works to ensure that resources are properly allocated. The direct reporting system removed a management layer or two, and now provides the division manager with a great deal more autonomy and responsibility for conducting investigations in the field. This reporting structure gives the SACs responsibility for the coordination of significant matters that are multi-jurisdictional or unusual. I believe that this approach gives us a national thrust and coordination to our enforcement program.

How are you going to cover those areas where you significantly reduced your staff?

In some offices, the number of agent positions was reduced. In making this determination, a primary consideration was the strength of the FBI in that same area. Concurrent jurisdiction gives us the latitude to rely on the FBI in low density drug trafficking areas in order to staff the locales most affected by drug trafficking with experienced DEA Agents.

Will any of the 100 workyears that the Congress restored in the 1983 Continuing Resolution be allocated to those areas?

The realignment of the Federal drug enforcement structure to include specifically the FBI, and DEA's own internal reorganization, has provided for enhanced management of the drug control effort. As has been stated in answers to previous questions, OMB directed that the 100 workyears not be restored in 1983.

The impact of these modifications along with an anticipated infusion of resources from the Organized Crime Drug Enforcement (OCDE) program should minimize the requirement for additional workyears in 1983.

Joint FBI — DEA Investigations

Last year when you appeared before this Committee the agreement between the FBI and DEA concerning coordination of drug investigations had just recently been implemented. What has been the impact of the FBI investigations on DEA operations?

Since the summer of 1981 when the DEA/FBI alliance occurred, FBI narcotics investigations have grown from 100 to over 1,000. Investigations involved organized crime, financial crimes, and public corruption. Joint DEA/FBI investigations have increased from a handful to over 300. The FBI has also dedicated its resources to drug-related Title III investigations, which are extremely manpower intensive. In the first six months of 1981, which basically predates direct FBI involvement in drug investigations, DEA conducted 16 Title III electronic surveillances. During the same time frame, one year later, with both DEA and the FBI utilizing this approach, there were 55 drug-related Title III investigations initiated, a 244 percent increase!

FBI Special Agents with accounting degrees are extremely useful in dealing with the financial end of the illicit drug trade. Also, their network of informants, experience with long-term undercover operations and organized crime investigations are all important tools brought into this working partnership and directed against the highest level of drug trafficking organizations.

DEA and the FBI are also coordinating utilization of the scientific laboratories to make them available to both agencies.

Intelligence analysts from both DEA and the FBI have been working closely together to ensure that all intelligence data bases are effectively searched to provide specific targeting information to the agents in the field.

What written procedures are in force to ensure that drug investigations are coordinated?

In addition to the continuous liaison and case coordination between DEA field and Headquarters agents and their FBI counterparts, the DEA and the FBI, on March 12, 1982, jointly issued a written directive which set forth the roles of both agencies under concurrent jurisdiction and detailed the operating procedures for optimum coordination of all drug investigations. A copy of the cited directive has been made available to the Subcommittee.

Organized Crime Drug Enforcement Task Forces

Recently the Administration established 12 Organized Crime Drug Enforcement Task Forces throughout the country, and the Congress in the Continuing Resolution appropriated \$127.5 million to fund these Task Forces. How many of your agents have been assigned to these Task Forces in 1983 and how many will be assigned in 1984?

To date, the Drug Enforcement Administration has been allocated 250 Task Force positions by the Department of Justice, of which 204 are Special Agent positions and 46 are support positions. These are in the process of being deployed in the field now.

Are you recruiting new agents to replace those who are assigned to the Task Forces on a one-for-one basis?

Yes. DEA is recruiting new agents for nine basic agent classes in 1983 to replace agents lost through retirement and transfers as well as replacement of those assigned to the Task Forces. There will be one basic agent class per month for the period January through September.

Since you are replacing experienced agents assigned to the Task Forces with new recruits, what impact will this have on your ongoing operations?

We have been absorbing new recruits for years. These are highly qualified people, fully trained at our basic facility in Glynco, Georgia. The experienced agents will continue to be working on drug law enforcement—we are not losing them.

Though there is a learning period for new agents in which productivity is low, this program represents a real increase in investigative resources which will enable us to ultimately realize an increased operational impact.

One of the primary purposes of the South Florida Task Force was to interdict drugs coming into the country. Is the interdiction of drugs the primary purpose of the other Task Forces?

No, interdiction is not the primary purpose, these are investigative task forces. The Drug Task Force program's overall goal is to identify, investigate, and prosecute members of high-level drug trafficking enterprises, and to destroy the operations of those organizations. The program is designed to achieve this goal by two means:

Adding new Federal resources for the investigation and prosecution of major drug trafficking organizations.

Fostering improved interagency coordination and cooperation in the investigation and prosecution of major drug cases.

Achieving these two aims should result in more and better cases against high-level drug traffickers, which in turn, should have an appreciable impact on illegal drug trafficking.

Among the specific objectives of each Task Force will be:

To target, investigate, and prosecute individuals who organize, direct, finance, or otherwise engage in high-level illegal drug trafficking enterprises, including large scale money laundering organizations;

To promote a coordinated drug enforcement effort in each Task Force area, and to encourage maximum cooperation among all drug enforcement agencies;

To work fully and effectively with State and local drug enforcement agencies; and

To make full use of financial investigative techniques, including tax law enforcement and forfeiture actions, in order to identify and convict high level traffickers, and to enable the government to seize assets and profits derived from high-level drug trafficking.

Meeting these objectives will result in the seizure of large quantities of illegal drugs and trafficker assets, and the disruption of large scale drug trafficking organizations.

GSA Space Rental Charges

On page 64 of the justifications you are requesting an increase of \$3,134,000 for GSA Standard Level User Charges. Of this amount \$2,258,000 is to restore cuts made in 1983. What is the justification for restoring all of the cut that was made in 1983?

Section 108 of P.L. 97-377, Continuing Resolution for 1983, prohibits agencies from paying the General Services Administration (GSA) a higher rate per square foot for the rental of space and services in 1983 than they paid in 1982. This resulted in a decrease of \$2,258,000 for DEA space charges. In keeping with the Administration's policy that charges for space shall be consistent with market rates, a request was made to restore the 1983 reduction. This policy has been adopted to ensure the solvency of GSA's Federal Building Fund.

The justifications indicate that \$866,000 of the requested increase is for 1984 price level adjustments and the annualization of the 1983 space inventory. Please break this figure down for the record.

The requested \$866,000 increase can be attributed entirely to anticipated 1984 price level adjustments. This includes a 1984 rate increase of \$953,000 and a reduction of \$87,000 for the 1984 annualization of space reductions which occurred as a result of their reorganization.

What is the 1984 general price level adjustment?

This requirement applies to OMB pricing guidance as of December 1982 to selected expense categories. The increased costs identi-

fied result from applying a factor of 5.3 percent against those sub-object classes where the prices that the Government pays are established through the market system rather than by law or regulation.

Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, transportation costs and utilities. Excluded from the computation are categories of expense where inflation has already been built into the 1984 estimates.

Additional Vehicles

Pages 17 and 18 of the budget justifications indicate a requested increase of \$4,465,000 for the purchase of vehicles. How many vehicles are you requesting to purchase in 1984?

DEA is requesting authority to purchase 888 passenger motor vehicles in 1984.

- 277 for annual replacement requirements for the base procurement program.
- 405 for one-time purchase of replacement vehicles meeting the GSA replacement criteria.
- 206 motor vehicles to support DEA participation in the Organized Crime Drug Enforcement (OCDE) task force operation for which reimbursable funding will be provided.

How many vehicles does DEA have in its entire fleet?

DEA currently has 2,313 vehicles in its fleet. These include:

1,926	Sedans
30	Station wagons
321	Trucks and vans
36	Special purpose vehicles

What is the ratio of vehicles to authorized agents (DEA has a total of 1,878 special agent positions)?

On August 14, 1981, DEA established the ratio of one vehicle to each domestic field Special Agent. Headquarters Special Agents are not as a general rule assigned an official government vehicle. In addition to the above assignment of vehicles, DEA maintains approximately 139 unassigned special purpose vehicles, e.g., heavy trucks, vans, taxi cabs, etc., at various field office locations. Compliance Investigators are assigned vehicles at a 1:2 ratio and about 100 vehicles are dedicated for this type of activity. DEA State and Local Task Force operations are assigned 172 vehicles for over 300 State and local police officers engaged full-time in Task Force drug investigations. DEA has 174 vehicles assigned to its foreign field offices. Vehicles are also assigned to various functions such as the field laboratories, EPIC, the Aviation Unit, and the Office of Training (Federal Law Enforcement Training Center, FLETC).

On page 18 of the justifications you indicated that 500 seized vehicles will be placed into service in 1982 and 1983. Why is the number the equivalent of only 280 vehicles?

- Normally vehicles which have been forfeited and placed in service cannot be considered equivalent to new cars. About half of their utility has been consumed at the time they are placed in service. For the estimated 500 forfeited vehicles to be placed in service in 1983 and 1984 only 56 percent of the life expectancy is anticipated to be remaining.

Foreign Cooperative Investigations

On page 23 of the justifications you indicate a requested increase of nine positions and \$860,000 to reinforce agent strength in critical transshipment points on the Southwest Asian heroin trafficker routes. What are these critical transshipment points and how many agents do you have stationed there at the present time?

The critical transshipment points are from the source area of Southwest Asia (SWA), including the source countries of Pakistan, Afghanistan and Iran, plus the non-source neighboring countries of the Persian Gulf (Kuwait, United Arab Emirates, etc.), Lebanon, Turkey, Greece and the Balkan States. The heroin moves into Central Europe for consumption and further distribution. SWA heroin is generally shipped through these transshipment points to the United States, but some comes to the United States direct from the laboratories in Pakistan. Refineries also exist in Turkey and Italy. Within these countries of Southwest Asia, DEA maintains a presence in Islamabad (2 special agents and 1 analyst), Karachi (3 special agents), Lahore (1 special agent), Peshawar (1 special agent), Ankara (3 special agents), Istanbul (3 special agents), Nicosia (2 special agents) and Athens (1 special agent). Presently, DEA has no agent in the Persian Gulf or Beirut, Lebanon.

What will the role of these new agents be, merely intelligence or interdiction and operations as well?

The role of these new agents would be identical to that of all overseas DEA agents which includes liaison, intelligence, training and investigative coordination. The degree to which emphasis is given to these two respective areas, is dependent upon the specific situation in the host country.

What are the critical transshipment points for cocaine and marihuana that comes into the United States?

Colombian cocaine, which represents approximately 60 to 80 percent of all cocaine reaching the United States, is transshipped, generally via private aircraft through Aruba, Panama, Belize, Honduras, the Bahamas, the Turks and Caicos Islands, the Netherlands Antilles, the Dominican Republic and recently Jamaica and Mexico. Cocaine processed in Peru and Bolivia generally reaches the United States through these same transshipment points.

Columbian marihuana which represents 60 percent of cannabis smuggled into the United States via "motherships" is usually

transshipped through Aruba, Costa Rica, Belize, Honduras, Dominican Republic, Mexico, Guatemala, and the Bahamas.

Thai sticks from Thailand and Laos generally reach the United States shores through the Philippines.

Hashish of Middle Eastern origin transits from Spain, Holland, and West Germany, enroute to the United States shores.

Do you feel that DEA has sufficient resources in these areas?

With the additions in this budget and relocation of some present overseas positions, DEA has sufficient resources at this time, barring any unforeseen changes in trafficking patterns. DEA continually adjusts resources to respond to changes in the traffic.

An example was the reduction of DEA personnel in Argentina after we disrupted that trafficking route in the early 1970's. A more recent example is the reduction of DEA presence in Germany after the trafficking situation in that country was brought under control.

DEA Laboratory Services

On page 39 of the justifications you indicate a requested increase of \$764,000 for replacement of obsolete and unrepairable laboratory equipment. We included funds for this purpose in the fiscal year 1982 supplemental that was enacted in September of 1982. Why was the additional amount not sufficient to replace laboratory equipment?

The additional funds for replacement of laboratory equipment received in the 1982 supplemental was used to replace obsolete equipment that we were unable to replace in 1979, 1980 and 1981 due to funding constraints.

It is necessary to maintain all items of laboratory equipment in operating condition to ensure unquestionable forensic analytical results on drug evidence, and to optimize the efficiency of laboratory operations. Since the inception of the DEA laboratory system in 1969, we have kept records on laboratory equipment repairs, downtime, useful life expectancy, and replacement costs. This data has enabled DEA to predict and formulate a replacement schedule for specific items of equipment. Based on this analysis, we project the requirement for an increase of \$764,000 over the base of \$300,000 for replacement of laboratory equipment.

On page 40 of the justifications you indicate a requested increase of 12 chemists, one professional administrative position, three technical clerical positions and \$1,190,000 to enable the DEA laboratory system to meet the increased workload resulting from FBI drug enforcement activities. The FBI has extensive laboratory facilities. Why won't they handle the analysis of the drug exhibits resulting from their drug enforcement activities in their own laboratory facilities?

Prior to the Attorney General's granting authority in January, 1982 for the FBI to have concurrent jurisdiction in the enforcement of criminal drug law violations, the FBI had not been active in drug investigations. When the FBI became involved with the handling of drug evidence, a decision was made to have DEA handle the analysis of all drug exhibits resulting from drug enforcement activities by FBI special agents for the following reasons: (1) to ensure that there was no duplication of effort concerning laboratory analysis, (2) to centralize drug intelligence data, and (3) to use the expertise the DEA laboratory system already possessed in this area. Given this delineation of responsibility, the requested resources are needed to meet the increased workload generated by the involvement of the FBI in drug investigations. If the FBI were required to assume responsibility for analysis of drug evidence they produce, they would require a significant resource enhancement to provide for the equipment and personnel necessary to accomplish the task.

On page 40 you also indicate a requested increase of \$504,000 for guard service for the DEA laboratories. Are you not already receiving GSA guard service, which is provided under the GSA Standard Level User Charges (SLUC)?

The SLUC fee assesses the actual space footage furnished to DEA as well as a base level of heating, ventilation, air conditioning (HVAC) and GSA guard service. Additional HVAC and GSA guard service are provided for within the GSA recurring reimbursable basis. Currently, only two of DEA's laboratories are located in Federal buildings where GSA guard security is provided (Chicago and San Francisco). All other laboratory facilities operate without any added form of security protection.

Armed guard service is required to provide enhanced security for evidence and DEA laboratory employees. During normal duty hours, the guards will limit access to all laboratory facilities to authorized personnel only and, if necessary, act as a deterrent force if theft of drug evidence is attempted; three laboratories will require 24-hour guard service due to the large amounts of drug evidence in storage and the high value of the material. The remaining five laboratories will require approximately 10 hours of guard service per day.

The DEA laboratories are responsible for providing security and preserving the integrity of drug evidence purchased, seized, or collected by DEA Special Agents and other law enforcement agencies. Due to the rapidly increasing frequency of bulk seizures of narcotics and dangerous drugs, the value of evidentiary material in laboratory vaults has reached multi-billion dollar proportions. Although procedures have been implemented to destroy bulk seizures, they have been applied almost exclusively to marijuana and hashish. Destruction of large seizures of narcotics and other dangerous drugs has not been authorized. This causes large amounts of drug exhibits to accumulate in the laboratory facilities over extended periods of time.

Technical Operations

On page 45 of the justifications you are requesting an increase of \$1,760,000 for purchase of 300 mobile radios and 300 portable radios to replace a portion of radios that are 10 years old or older. I believe that funds were made available for this purpose in the Organized Crime Drug Enforcement (OCDE) amendment that was included in the continuing resolution for 1983. If this request for 1984 is approved, will all of these older radios that DEA now has be able to be replaced?

While the OCDE amendment stated that funding and resources would be provided to the FBI and DEA for automated information systems, the resources for sophisticated voice privacy radio communications equipment relate to the FBI only. DEA has received no additional funds in 1983 designated for voice privacy other than \$2,000,000 provided in DEA's base availability for such purposes.

The 1984 requested funding of \$1,760,000 will enable DEA to replace 300 mobile radios and 300 portable radios. Following the replacement of these radios, approximately 500 obsolete radios 10 years old or older will remain in the DEA's inventory. The replacement of the entire DEA radio system to include voice privacy is to be phased over a five-year period.

ADP and Telecommunications

On page 51 of the justifications 10 additional positions and \$471,000 are requested for design and implementation of the DEA accounting system and for design and development of various DEA ADP systems. How many positions are presently allocated to the ADP and Telecommunications function and why is that number not sufficient to absorb these additional tasks?

The DEA Office of Information Systems has 110 positions to provide world-wide ADP and telecommunication services. These positions are distributed as follows:

- a. Six positions to provide program management;
- b. Eight positions for clerical support;
- c. Four positions for program administration and control;
- d. Six positions for planning, budget formulation, policy development and studies;
- e. Fifty positions to operate equipment and staff communications (24 hours a day, 7 days a week) and manage data entry contracts;

- f. Ten positions to provide technical support such as network design, system software, equipment analysis, equipment testing and installation and to respond to trouble calls;
- g. Twenty-six positions for application systems design and development, contract management, systems studies, system maintenance.

Subsequent to the recent reorganization, ongoing requirements had to be absorbed within a reduced staffing level.

Despite continuing efforts to augment ADP personnel resources through the use of industry contracts and reimbursable agreements with other government agencies, additional permanent positions are required to carry out DEA's obligation to manage contracts and to maintain new systems once they are delivered to DEA.

Move to 2400 M Street

What is the cost per square foot of the building at 2400 M Street?

The 1982 rate was \$8.14 per square foot. Because of the provisions of the continuing resolution we are also paying this amount in 1983. The General Service Administration has advised that the cost per square foot would have been \$22.36 in 1983. We expect to pay at least that amount in 1984.

On page 52 of the justifications you indicate that there is not sufficient space in DEA's headquarters building to facilitate the installation of your ADP and telecommunications hardware. You further indicate that you want to move your computer operations to a building vacated by the Federal Emergency Management Agency. The cost of this move is \$1,032,000. What items are included in this amount?

The items included in the \$1,032,000 cost to move the DEA computer and support facilities to 2400 M Street are as follows:

a. Physical security modifications	\$100,000
b. Modifications and renovation of space (6714 sq. ft. x \$100 per sq. ft. to renovate)	671,400
c. Move of Magnuson Computer and associated peripheral equipment	31,000
d. Move of DEC computer and associated peripheral equipment	39,000
e. Move of distribution equipment	2,800
f. Move of optical character reader (OCR)	5,800
g. Move of data entry equipment	5,800

h. Move of reproduction equipment (Xerox 1200)	1,400
i. Miscellaneous moving costs, (communication line installation, office furniture and etc.)	10,000
j. Installation of communications line	24,000
k. Purchase of additional terminals, printers and stands for remote operations	120,000
l. Maintenance of equipment (shown in item k)	20,000
m. Purchase of miscellaneous supplies	<u>800</u>
Total Cost	\$1,032,000

Guard Services

On page 52 you are requesting an additional \$392,000 for GSA guard service at the 2400 M Street location. Why won't GSA provide such guard service out of the SLUC that you will pay for this location?

As has been stated above the SLUC fee assesses the charges for the actual square footage furnished to DEA. Heating, ventilation, air conditioning (HVAC) and GSA guard service are provided for within the GSA recurring reimbursable services. DEA is requesting establishment of base funding to provide for this guard service at the 2400 M Street location.

QUESTIONS SUBMITTED BY CONGRESSMAN EARLY

Foreign Countries Cooperation

Have countries which produce large quantities of drugs generally been cooperative in sharing intelligence with the DEA?

Yes, but often the intelligence available in these countries is limited. One of DEA's major objectives overseas is to improve, and often to create the intelligence-gathering capability of these countries.

For example, those European countries which have been identified as sources of methaqualone have been very cooperative. Indeed, in addition to sharing intelligence information with the DEA, these countries have agreed to curtail both the production and exportation of methaqualone.

Domestic Cultivation Control

Could you describe the DEA's efforts in controlling the domestic cultivation of marihuana?

DEA's 1982 Domestic Marihuana Eradication/Suppression Program expanded to include 25 states from the seven states participating in 1981. DEA's role in this cooperative venture is to encourage State efforts and to contribute, within resource limitations, funding, training, and investigative and aircraft resources to support the efforts of State and local law enforcement agencies in domestic marihuana eradication/suppression.

DEA conducted four Marihuana Aerial Observer Schools in which 120 State/local officers received training in detecting marihuana from the air and related eradication skills. Additionally, DEA supported aerial observer schools conducted by the states of Florida, Mississippi, California and Texas.

The DEA Airwing flew 481 missions for a total of 1,332 flying hours in support of the eradication program in 1982. This effort represented 12 percent of the Airwing's total missions for the year. Of the 481 missions flown, 396 resulted in positive sightings of marihuana fields.

In excess of two and one-half million (2,590,388) marihuana plants, in 4,567 plots, were eradicated. Arrests of 2,512 subjects and the seizure of 785 weapons took place. Forty percent of the plants were high potency sinsemilla. Ninety-five percent of this total number of plants were eradicated in States with DEA cooperative programs.

Quantitative analyses of data derived from the 1982 program reveal that domestic marihuana production for 1982 was significantly greater than that estimated for previous years. Using a relatively accurate plant count and conservative weight per plant factors, it is estimated that 1,653 metric tons of marketable marihuana was eradicated. By all measures, the 1982 DEA Domestic Marihuana Eradication/Suppression Program was extremely successful. Operational relationships and procedures have been established and an intelligence data base has been developed. A significant amount of marihuana has been eradicated and numerous cultivators arrested. Additional states have asked to participate in 1983.

DEA Cooperation

Could you describe the extent of cooperation between the FBI and the DEA? What about the DEA and Immigration and Naturalization Service (INS)? What about the DEA and U.S. Customs?

Since 1981, FBI resources have been applied, in concert with DEA in addressing the drug traffic. Mutual passing of pertinent information between agencies is common practice at the Headquarters and field levels.

As of February 1, 1983, DEA and FBI have over 300 joint investigations aimed at organized crime organizations throughout the United States. Cooperation is in the areas of technical assistance under-cover operations, RICO investigations, financial asset removal investigations, aviation surveillance and scientific examination.

Liaison and rapport, the trading of analyzed crime information and the application of both agencies expertise in Title III, (conspiracy and continuing criminal enterprises), investigations is evidence of DEA/FBI cooperation. The FBI has materially assisted in the apprehension of DEA drug fugitives, which number 2894.

Cooperation between DEA and INS has been excellent. An agreement between the agencies was signed on November 29, 1973. During the course of normal operations, INS promptly refers matters relating to illicit drug trafficking or other violations to DEA for appropriate action. Both DEA and INS agencies support each others operations with personnel and equipment in matters of joint interest. The DEA and INS related cross training program is designed to familiarize all personnel with the laws government each respective agency, thus increasing total effectiveness.

Each agency has designated a liaison representative at the level of their respective Headquarters to review policy and formulate plans to meet future requirements as well as increasing cooperation.

Both DEA and the U.S. Customs Service are and have been complementing each other's operations. DEA and U.S. Customs have a long history of cooperation which includes the exchange of information at the Headquarters level and in the field. DEA intelligence at Headquarters has a U.S. Customs analyst assigned to expedite the flow of information to U.S. Customs. A Senior Customs Inspector is assigned to the Enforcement Division for the same reason and to implement special operations.

The El Paso Intelligence Center (EPIC) has U.S. Customs' personnel assigned to assist in the operational implementation of the available intelligence base to support enforcement operations.

In South Florida, DEA and U.S. Customs are an integrated Task Group which addresses interdiction investigations. Additionally, DEA Aviation Units are routinely supporting U.S. Customs' air operations to the mutual benefit of both agencies. Strategy planning is routinely discussed by U.S. Customs, U.S. Coast Guard and DEA through committees which exist for that purpose.

Budget Increase

I understand that the Justice Departments' budget represents the largest increase for Federal law enforcement in more than a decade. What has been the impact of less strength for DEA?

During the past four to five years, DEA has shifted its drug enforcement philosophy from that of multi-arrests to one of concentration on high-level drug violators and their associated organizations.

DEA performance statistics demonstrate that this approach has been very successful, and that arrest totals have remained at high levels while arrests in Class I and II cases have increased. However, with the additional agent resources included in the Organized Crime Drug Enforcement program we will be able to mount an intensive and coordinated campaign against international and domestic drug trafficking and organized criminal enterprises, supplementing our ongoing investigative efforts.

Could you tell me something more about the advantages you will derive from the budget increase (an additional \$6.2M) for the DEA Laboratory Services program, the radio program, and the ADP and telecommunications program?

The increase of \$764,000 will provide DEA with capability to replace obsolete and non-functional laboratory equipment in order to insure efficient operation of DEA laboratories. The increase of 12 chemists; one professional/administrative and three technical/clerical positions and \$1,190,000 will enable the DEA Laboratory System to meet the increased workload resulting from expanded drug enforcement activities by the FBI. The funding of \$504,000 for contract guard services will provide physical security and preserve the integrity of drug evidence stored at the laboratory facilities. These increases will provide critical resources necessary to insure prompt analysis of drug evidence and related forensic services in support of DEA's enforcement and intelligence activities.

The requested increase of \$1,760,000 will provide for the purchase of 300 mobile radios and 300 portable radios to replace those radios that are outdated and not compatible with voice privacy equipment. DEA's radio replacement schedule has gradually slipped to an 18-year cycle. To ensure that an effective enforcement radio system is available to DEA agents, a ten-year replacement cycle for radio equipment must be established and maintained. This funding level is necessary to ensure the safety of DEA agents by providing them with reliable, secure and effective radio communications support.

The increases for the ADP/telecommunications program of ten positions and \$1,972,000 will enable DEA to support ADP systems modification, design and development, for which some funding is contained in the Organized Crime Drug Enforcement program. This funding will also allow the relocation of the central ADP facility to a location with sufficient space for the installation of DEA ADP/telecommunications hardware. Currently there is not sufficient floor space in the DEA Headquarters building to install and operate all of the required ADP equipment.

WEDNESDAY, MARCH 16, 1983.

ATTORNEY GENERAL**WITNESSES****WILLIAM FRENCH SMITH, ATTORNEY GENERAL****KEVIN D. ROONEY, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION****CHARLES R. NEILL, CONTROLLER****JOHN R. SHAFFER, DIRECTOR, BUDGET STAFF**

Mr. NEAL SMITH. This morning we are pleased to have with us again the distinguished Attorney General of the United States, the Hon. William French Smith.

The fiscal year 1984 budget request for the Department of Justice totals \$3,387,892,000 an increase of \$446,954,000 above the amount anticipated for fiscal 1983, including the pending supplemental requests for increased pay costs.

We will insert the Department of Justice fiscal year 1984 budget summary at this point in the record.

[The fiscal year 1984 budget summary follows:]

TABLE OF CONTENTS

Summary of Budget Authority by Appropriation, 1982—1984	1
Summary of 1983 Budget Authority and Supplementals	2
Summary of Appropriation and Authorization Language Changes	3
1984 Estimates Compared with 1982 and 1983 Requirements	8
1984 Summary of Changes	10
General Administration	12
U.S. Parole Commission	15
General Legal Activities	16
Foreign Claims Settlement Commission	21
Antitrust Division	22
U.S. Attorneys and Marshals	23
Support of U.S. Prisoners	26
Fees and Expenses of Witnesses	27
Community Relations Service	28
Organized Crime Drug Enforcement	29
Federal Bureau of Investigation	31
Drug Enforcement Administration	34
Immigration and Naturalization Service	36
Federal Prison System	39
Salaries and Expenses	40
National Institute of Corrections	42
Buildings and Facilities	43
Federal Prison Industries, Incorporated	44
Office of Justice Assistance	45

DEPARTMENT OF JUSTICE

Summary of Budget Authority by Appropriation
(In thousands of dollars)

Appropriation	Fiscal Year		
	1982	1983	1984
General Administration.....	\$42,274	\$56,704	\$56,364
U.S. Parole Commission.....	6,406	6,879	7,836
Legal Activities:			
General Legal Activities.....	130,405	140,848	160,440
Foreign Claims Settlement Commission.....	734	802	954
Antitrust Division.....	41,200	44,522	45,791
U.S. Attorneys and Marshals.....	313,132	342,591	362,707
Support of U.S. Prisoners.....	29,923	34,254	44,768
Fees and Expenses of Witnesses.....	32,671	35,700	38,266
Community Relations Service.....	5,727	5,967	6,314
Total, Legal Activities.....	553,792	604,684	659,240
Organized Crime Drug Enforcement.....	...	127,500	105,949
Federal Bureau of Investigation.....	767,009	853,319	1,055,690
Drug Enforcement Administration.....	241,709	255,496	275,623
Immigration and Naturalization Service.....	444,357	495,694	539,261
Federal Prison System:			
Salaries and Expenses.....	366,830	397,422	426,263
National Institute of Corrections.....	11,186	11,050	11,665
Buildings and Facilities.....	58,381	6,667	97,142
Total, Federal Prison System.....	436,397	415,139	535,070
Office of Justice Assistance.....	129,236	125,523	152,859
TOTAL, DEPARTMENT OF JUSTICE.....	2,621,180	2,940,938	3,387,892
1983 as enacted.....		2,864,062	
Transfer from D.C. Government.....		800	
1983 pay supplemental.....		76,076	
Total.....		2,940,938	

DEPARTMENT OF JUSTICE

Summary of 1983 Budget Authority
(Dollars in thousands)

	<u>Permanent Positions</u>	<u>Amount</u>
1983 as enacted.....	54,614	\$2,864,062
Transfer from General Services Administration to the Federal Bureau of Investigation.....	172	...
Transfer from D.C. Government to the U.S. Attorneys.....	22	800
1983 Pay increase supplemental.....	...	<u>76,076</u>
1983 appropriation anticipated.....	54,808	2,940,938

Summary of Supplementals

<u>Appropriation</u>	<u>Pay Supplemental</u>
General Administration.....	\$1,831
U.S. Parole Commission.....	216
General Legal Activities.....	4,720
Foreign Claims Settlement Commission.....	28
Antitrust Division.....	1,133
U.S. Attorneys and Marshals.....	10,810
Community Relations Service.....	203
Federal Bureau of Investigation.....	28,165
Drug Enforcement Administration.....	7,334
Immigration and Naturalization Service.....	11,263
Federal Prison System, Salaries and Expenses.....	10,373
Office of Justice Assistance ¹	<u>...</u>
TOTAL, DEPARTMENT OF JUSTICE.....	76,076

¹The Office of Justice Assistance will fund its \$392,000 pay requirement from a transfer of reversionary funds.

APPROPRIATION LANGUAGE CHANGESGeneral Administration

The amount made available to the Federal Justice Research Program is increased from \$350,000 to \$797,000.

United States Attorneys and Marshals

The bankruptcy trustees program is recommended for termination at the end of 1983. The reference to bankruptcy trustees is therefore deleted.

Support of United States Prisoners

Language limiting the amount that may be spent on the Cooperative Agreement Program to \$4,050,000 has been deleted. In its place is a provision that not to exceed \$10,000,000 may be advanced from the appropriation "Organized crime drug enforcement" for the purpose of renovating, constructing and equipping State and local jail facilities that confine Federal prisoners. The limitations established in 1982 and refined in 1983 on how construction funds must be used for the purpose of providing space for Federal prisoners are continued and are applied to amounts transferred to this appropriation as well as to amounts that may be directly appropriated for the Cooperative Agreement Program within this appropriation. In 1984, the request provides no direct funding for the Cooperative Agreement Program.

Organized Crime Drug Enforcement

A provision allowing \$18,000,000 in no-year funding for the construction and remodeling of Federal prison facilities is replaced by a \$6,000,000 no-year funding provision. Separate no-year funding authority in the amount of \$2,500,000 is requested for the Presidential Commission on Organized Crime. Further language changes provide that \$14,000,000 of the amount appropriated for the purchase of automated data processing and telecommunications shall be available until the end of fiscal year 1985 and that \$9,619,000 requested for undercover operations shall also remain available through 1985.

Federal Bureau of Investigation

The current \$3,000,000 limitation on the amount that may be carried forward one fiscal year for automated data processing and telecommunications is increased to \$52,000,000. Similarly, the provision designed to assure the continuity of undercover operations from year to year has its one year carry forward limitation increased from \$600,000 to \$1,000,000.

A special multi-year funding authority of \$10,000,000 is requested in 1984 to permit the relocation of the Washington Field Office.

A recent revision in the U.S. Code makes it necessary to cite 31 U.S.C. 3302 instead of 31 U.S.C. 483(a) and 484, as these provisions relate to the collection of fees for the processing of fingerprints.

Drug Enforcement Administration

The number of vehicles that may be purchased for police type use without regard to the purchase price limitation is increased from 277 to 682. In addition, the language would permit the Drug Enforcement Administration to add 200 passenger motor vehicles to its existing fleet. The increase in the fleet will be funded through reimbursement from "Organized crime drug enforcement."

Immigration and Naturalization Service

A language change increases the amount which may be paid to aliens who work for the Service while held in INS detention facilities. Eight U.S.C. 1555 requires that the rate of payment of allowances be specified from time to time in the appropriations act. The present rate of reimbursement, \$1.00 per day, has been in effect since 1948, and is too low to encourage aliens to volunteer for work in and around the detention facilities.

Section 501 of the Refugee Education Assistance Act of 1980 relates to the processing, care, maintenance, security, transportation and the initial reception and placement of Cuban and Haitian entrants. H. Doc. 97-168 transmitted a request to make 1983 funds for this purpose available until expended, but was not acted on by the Congress.

New multi-year language has been added to permit \$10,090,000 to remain available for obligation through the end of fiscal year 1985 for the purpose of establishing a National Records Center. In addition, \$11,134,000 is requested to remain available through 1985 to implement a long-range automated data processing plan.

Federal Prison System - Salaries and Expenses

In 1983, the language provided for the replacement of 27 law enforcement and passenger motor vehicles and the purchase of 4 new vehicles for the fleet. The request for 1984 would permit 31 replacement vehicles to be purchased.

Justice Assistance

The appropriation language proposed for 1984 is premised on the enactment of a legislative proposal being prepared by the Administration that incorporates all of the major provisions of the proposed Justice Assistance Act of 1982. Although this legislation was pocket vetoed for other reasons, the parts relating to financial assistance to State and local governments are expected to be enacted substantially as supported by the Department last year.

As a result of the proposed legislation, the maintenance of separate appropriations for "Law enforcement assistance" and "Research and statistics" is unnecessary. The new language omits reference to the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, because the Administration believes further progress can best be achieved through State and local support. The new language includes a provision merging the existing appropriations to simplify budget and accounting procedures.

General Provision

The request would provide \$65,000 for reception and representation expenses instead of the current \$35,000. The Administration also requests deletion of the section incorporating provisions of the Department of Justice Appropriation Authorization Act, Fiscal Year 1980 into the appropriation.

AUTHORIZATION LANGUAGE CHANGES

General authorization language previously contained in the Department's annual authorization bill is requested, e.g., undercover provision for the FBI, authority to lease and purchase cars, authority to pay rewards. Technical adjustments have been made in some of the provisions. The provisions of primary interest are as follows:

- Authorization language has been added to accommodate the new antiorganized criminal drug trafficking activities. This includes language to permit the advance of funds to State and local law enforcement entities which engage in cooperative enforcement efforts within this program.
- An adjustment to the Fees and Expenses of Witnesses authorization is requested to permit the Department to negotiate contracts for expert witnesses on the basis of demonstrated competence and qualifications not based on price competition.
- A section which requests that the U.S. Marshals be allowed to set fees commensurate with those charged in the private sector for the service of private process is included.
- Statutory changes consistent with the President's proposal to eliminate the U.S. Trustees program and Juvenile Justice funding are included.
- Authority is proposed to expend funds commensurate with the transfer of functions to process, care, maintain, secure and transport and resettle Cubans and Haitians for the Department of Health and Human Services to Department of Justice.
- An overtime cap for INS employees is proposed.
- A provision to permit INS to use certain amounts of money for the purchase of evidence and payment of information has been added. The nature of investigative operations carried out by INS requires the use of certain amounts of funds for such purposes especially in alien smuggling cases.
- Language has been added to refine the authority INS has to construct facilities. Additional language for planning, site acquisition and construction is required to clarify INS authority to construct facilities.
- Language permitting medical and family visitation travel benefits similar to those provided for the Foreign Service has been added for Department of Justice employees stationed overseas. This language was requested in the prior years.
- A provision has been added to permit U.S. Marshals and Federal Bureau of Investigation agents to attend firearm matches.

DEPARTMENT OF JUSTICE

1984 Estimates Compared with 1982 and 1983 Requirements
(Dollars in thousands)

<u>Appropriation</u>	<u>1982 Actual</u>		
	<u>Perm. Pos.</u>	<u>FTE</u>	<u>Obligations</u>
General Administration.....	723	791	\$41,853
U.S. Parole Commission.....	172	154	6,294
Legal Activities:			
General Legal Activities.....	2,754	2,683	129,957
Foreign Claims Settlement Commission.....	18	15	658
Antitrust Division.....	829	798	41,093
U.S. Attorneys and Marshals.....	6,742	6,400	310,239
Support of U.S. Prisoners.....	...	...	29,566
Fees and Expenses of Witnesses.....	...	...	30,987
Community Relations Service.....	100	102	5,674
Total, Legal Activities.....	10,443	9,998	548,174
Organized Crime Drug Enforcement.....	...	...	...
Federal Bureau of Investigation.....	19,456	18,181	761,890
Drug Enforcement Administration.....	3,953	3,773	241,376
Immigration and Naturalization Service.....	10,604	10,342	441,527
Federal Prison System:			
Salaries and Expenses.....	8,952	8,702	363,163
National Institute of Corrections.....	30	32	11,222
Buildings and Facilities.....	33	18	14,371
Total, Federal Prison System.....	9,015	8,752	388,756
Office of Justice Assistance.....	281	329	131,200
TOTAL, DEPARTMENT OF JUSTICE.....	54,647	52,320	2,561,070
Limitation:			
Federal Prison Industries, Inc.	139	123	5,212
Reimbursable FTE Workyears.....	...	1,417	...

1983 Estimate			1984 Estimate			Increase or Decrease 1984 from 1983		
Perm. Pos.	FTE	Approp. Antici- pated	Perm. Pos.	FTE	Amount	Perm. Pos.	FTE	Amount
929	916	\$56,704	943	1,021	\$56,364	14	105	-\$340
157	161	6,879	157	158	7,836	...	-3	957
2,743	2,790	140,848	2,801	2,825	160,440	58	35	19,592
18	19	802	18	19	954	...	...	152
742	726	44,522	704	686	45,791	-38	-40	1,269
6,814	6,821	342,591	6,665	6,758	362,707	-149	-63	20,116
...	...	34,254	...	...	44,768	...	...	10,514
...	...	35,700	...	...	38,266	...	...	2,566
88	92	5,967	88	92	6,314	...	...	347
10,405	10,448	604,684	10,276	10,380	659,240	-129	-68	54,556
...	130	127,500	20	269	105,949	20	139	-21,551
19,479	18,910	853,319	19,940	19,438	1,055,690	461	528	202,371
3,953	3,832	255,496	3,988	3,858	275,623	35	26	20,127
10,483	10,698	495,694	10,501	10,709	539,261	18	11	43,567
9,085	8,803	397,422	9,291	9,004	426,263	206	201	28,841
30	30	11,050	30	30	11,665	...	...	615
30	21	6,667	36	34	97,142	6	13	90,475
9,145	8,854	415,139	9,357	9,068	535,070	212	214	119,931
257	267	125,523	249	246	152,859	-8	-21	27,336
54,808	54,216	2,940,938	55,431	55,147	3,387,892	623	931	446,954
139	123	8,962	139	123	9,323	...	...	361
...	2,564	...	...	2,979	...	...	415	...

DEPARTMENT OF JUSTICE
Summary of An Increase of \$16,554,000
(Dollars in thousands)

	General Administration		U.S. Parole Commission		General Legal Activities		Parole and Pardon Settlement		Antitrust Division		U.S. Attorneys and Marshals		Support of U.S. Prisons		Fees and Expenses of Witnesses		Community Relations Service		Total Legal Activities	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
1982 collections.....	743	\$41,853	112	\$6,294	12,754	\$121,571	18	204	829	\$41,093	6,742	\$310,239	...	\$29,546	...	\$30,907	100	\$7,074	10,443	\$948,174
1983 as enacted.....	929	54,873	157	6,063	12,743	136,128	16	774	742	83,849	6,792	320,901	...	34,254	...	35,700	38	5,764	10,583	566,794
1983 pay supplemental requested.....	...	1,851	...	216	...	4,720	...	26	...	1,133	...	10,010	...	...	...	...	...	203	...	16,094
Transfers to and from other accounts.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	22	884
1983 appropriation anticipated.....	929	56,704	157	6,079	12,743	140,848	18	842	742	84,522	6,814	342,591	...	34,254	...	35,700	88	5,967	10,465	604,044
1984 estimate.....	931	56,344	157	7,836	12,801	140,440	18	994	704	85,791	6,055	\$2,707	...	44,168	...	38,266	88	6,314	10,276	612,940
Change 1984 from 1983.....	14	-340	...	97	58	19,572	...	102	-38	1,269	-139	20,116	...	10,214	...	2,566	...	347	-129	24,556
Adjustments to base transfer to and from other accounts in budget year.....	14	879	...	...	34	1,430	...	...	-38	-1,041	5	...	...	...	...	...	...	...	1	-201
Uncontrollable increases:	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Federal pay increases.....	...	205	...	48	...	21	...	4	...	197	...	811	...	...	...	...	...	...	...	536
Annulment of executive level pay increase.....	...	6	...	13	...	24	...	2	...	74	...	403	...	...	...	...	...	...	...	861
Annulment of Medicare costs.....	...	2,736	...	...	...	...	...	...	...	...	...	4,028	...	...	...	...	...	...	...	932
Annulment of additional positions approved in 1983.....	...	34	...	18	...	93	...	...	...	...	...	4,462	...	...	...	...	...	...	...	4,028
Within-grade increases.....	...	34	...	18	...	93	...	...	...	...	...	1,451	...	...	...	...	...	...	...	4,462
Within-grade decreases.....	...	116	...	13	...	263	...	5	...	57	...	347	...	...	...	...	...	...	...	2,463
Federal Employees' Compensation Act (FECA) workers compensation.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	693
Postal Service redistribution.....	...	23	...	10	...	74	...	5	...	...	...	77	...	...	...	...	...	...	...	77
Standard level user charges (SLUC).....	...	2,023	...	948	...	7,314	...	126	...	2,192	...	9,084	...	...	...	...	...	...	...	247
Outstanding reimbursable services.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	19,194
General Services Administration (GSA) relocation.....	...	51	...	37	...	129	...	...	...	...	...	...	...	...	...	...	...	...	...	538
GSA telephone rate increase.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	24
Telephone system line changes.....	...	62	...	5	...	241	...	1	...	71	...	56	...	...	...	...	...	...	...	132
GPO printing costs.....	...	4	...	1	...	19	...	...	...	...	...	60	...	...	...	...	...	...	...	360
Employee data and payroll services.....	...	9	...	3	...	36	...	...	...	...	...	...	...	...	...	...	...	...	...	78
Pull-it-in investigations.....	...	423	...	33	...	1,426	...	8	...	...	...	1,670	...	...	...	...	...	...	...	101
General living level adjustment.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	4,462
Others.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	7,436
Total, uncontrollable increases.....	...	6,462	...	765	...	11,339	...	199	...	3,374	...	21,440	...	6,764	...	1,421	...	644	...	47,337
Decreases.....	...	-410	...	-18	...	-2,029	...	-5	...	-624	...	-1,379	...	-1,240	...	...	...	-276	...	-2,706
Total, adjustments to base.....	14	6,121	...	747	...	9,310	...	194	...	-248	...	22,061	...	5,524	...	1,421	...	368	...	44,631
1984 base.....	943	63,432	157	7,606	12,777	151,111	18	994	704	87,791	6,019	\$44,044	...	39,768	...	37,121	88	6,233	10,406	646,014
Program changes:	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Capital expenditures.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Construction.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Grants.....	...	-4,971	...	...	...	929	...	...	...	...	...	-4,229	...	...	...	...	...	...	...	-130
Other changes.....	...	1,000	...	210	...	6,314	...	...	...	...	...	2,300	...	...	...	...	...	...	...	10,460
Total, program changes.....	...	-3,971	...	210	...	6,314	...	...	...	...	...	-1,929	...	...	...	...	...	...	...	-130
1984 estimate.....	943	59,461	157	7,816	12,801	144,840	18	994	704	87,791	6,060	\$42,707	...	44,168	...	38,266	88	6,314	10,276	629,240
Change 1984 from 1983.....	14	-340	...	97	58	19,572	...	102	-38	1,269	-139	20,116	...	10,214	...	2,566	...	347	-129	24,556

Organized Crime Drug Enforcement Fov.	Amount	Federal Bureau of Investigation		Drug Enforcement Administration		Immigration & Naturalization Service		Federal Prison System		Office of Justice Assistance		Total	
		Fov.	Amount	Fov.	Amount	Fov.	Amount	Fov.	Amount	Fov.	Amount	Fov.	Amount
...	...	19,450	8761,890	3,953	8241,376	10,604	8441,527	9,015	8388,756	281	8131,200	54,047	82,561,070
...	127,500	19,307	825,154	3,953	248,162	10,483	884,431	9,145	404,766	257	125,523	54,614	2,864,062
...	...	...	28,165	...	7,334	...	11,263	...	10,373	...	...	...	76,076
...	...	172	...	...	...	...	...	...	...	...	...	194	800
...	127,500	19,479	853,319	3,953	255,496	10,483	495,694	9,145	415,139	257	125,523	54,808	2,940,938
20	105,949	19,340	1,055,690	3,988	275,623	10,501	539,261	9,257	535,070	249	152,859	55,431	3,387,892
20	-21,551	461	202,471	35	20,127	18	43,567	212	119,931	-8	27,336	623	446,554
...	-12,716	...	...	...	...	-4	-1,764	46	...	...	...	57	-13,902
...	...	...	696	...	380	...	3,689	...	1,641	...	1,021	...	8,216
...	...	...	...	...	79	...	...	...	76	...	...	...	1,103
...	...	...	1,632	...	383	...	657	...	641	...	32	...	4,389
...	24,765	...	...	...	...	...	...	...	1,503	...	...	...	33,052
...	...	...	...	...	...	...	...	...	...	...	...	...	4,462
...	...	...	5,903	...	1,336	...	2,395	...	1,974	...	69	...	14,429
...	...	...	1,508	...	339	...	1,374	...	888	...	18	...	4,940
...	...	...	960	...	691	...	207	...	1,344	...	6	...	3,285
...	...	...	...	...	...	...	...	...	...	...	...	...	280
...	...	...	9,650	...	3,124	...	6,267	...	986	...	10	...	41,802
...	...	...	1,130	...	671	...	26	...	26	...	...	...	2,129
...	...	...	1,521	...	...	...	52	...	328	...	...	...	2,647
...	...	...	...	...	42	...	19	...	22	...	31	...	293
...	...	...	59	...	27	...	110	...	3	...	14	...	648
...	...	...	...	...	22	...	384	...	...	...	...	...	503
...	...	...	...	...	80	...	106	...	59	...	...	...	317
...	...	...	...	...	126	...	265	...	211	...	...	...	677
...	...	...	6,704	...	2,325	...	5,615	...	8,148	...	1,597	...	29,712
...	...	...	12,226	...	1,165	...	811	...	5,271	...	...	...	26,889
...	24,765	...	41,989	...	10,749	...	21,967	...	23,121	...	2,798	...	179,753
...	-54,900	...	-10,170	...	-2,137	...	-2,292	-5	-2,751	-51	-2,586	-56	-80,970
...	-42,851	...	31,819	...	8,612	-4	17,911	41	20,370	-51	212	1	84,881
...	82,649	19,479	885,138	3,953	264,108	10,479	513,605	9,186	435,509	206	125,735	54,809	3,025,815
20	2,500	461	30,789	35	1,534	22	661	160	9,537	43	1,324	611	43,111
...	...	...	...	...	...	...	...	11	90,024	...	...	11	90,024
...	...	...	...	...	...	...	...	...	...	...	22,400	...	13,429
...	18,800	...	124,753	...	9,881	...	24,972	...	3,800	...	...	...	215,504
20	21,300	461	170,952	35	11,515	22	25,056	171	99,561	43	27,124	622	362,073
20	105,949	19,340	1,055,690	3,988	275,623	10,501	539,261	9,257	535,070	249	152,859	55,431	3,387,892
20	-21,551	461	202,471	35	20,127	18	43,467	212	119,931	-8	27,336	623	446,554

SALARIES AND EXPENSES, GENERAL ADMINISTRATION

Analysis of a Decrease of -\$340,000
(Dollars in thousands)

	Programs and Major Sub-Programs							
	Department Leadership		Executive Support		Intelligence Policy & Professional Responsibility		Justice Management	
	FY81	FY82	FY81	FY82	FY81	FY82	FY81	FY82
1982 obligations.....	56	83,361	66	83,684	22	81,141	530	845,570
1983 as enacted.....	56	3,903	66	3,640	22	1,192	538	28,165
1983 pay supplemental requested.....	...	174	...	188	...	95	...	1,164
1983 appropriation anticipated.....	56	4,082	66	3,828	22	1,247	538	29,329
1984 estimate.....	56	4,535	66	4,102	22	1,348	552	33,824
Change 1984 from 1983.....	...	453	...	274	...	101	14	4,495
Summary of Changes								
Adjustments to base								
Transfer from the General Legal Activities for the library consolidation.....	8	573
Transfer from the Working Capital Fund for Departmental oversight function for telecommunications.....	6	306
Uncontrollable increases:								
Annualization of 1983 pay increase.....	...	5	...	5	...	1	...	31
Annualization of executive level pay increase.....	...	21	...	13	...	4	...	26
Annualization of Medicare costs.....	...	8	...	12	...	2	...	60
Annualization of 198 additional positions approved in 1983.....
Within-grade increase.....	...	23	...	26	...	10	...	180
Health benefits costs.....	...	13	...	25	...	4	...	56
Postal Service.....	...	21	...	...	...	2	...	...
Standard level user charges (SLUC).....	...	302	...	166	...	52	...	1,326
GSA recurring reimbursable services.....	...	3	...	5	...	1	...	26
Federal Telecommunications System (FIS).....	...	26	...	...	...	23	...	...
CAP telephone rate increase.....	...	3	...	8	...	1	...	15
Telephone system line charges.....	...	8	...	13	...	3	...	38
GPO printing costs.....	...	4	...	...	...	...	...	3
Employee data and payroll service.....	1	...	...	...	5
Full-field investigations.....	...	4	...	2	...	...	...	6
General pricing level adjustment.....	...	27	...	22	...	3	...	282
Total, uncontrollable increases.....	...	453	...	274	...	101	...	2,054
Decreases:								
One less compensable day.....	...	-7	...	-9	...	-2	...	-72
Nonrecurring cost for change in hourly rate.....	...	-8	...	-7	...	-3	...	-61
Postal Service redistribution.....	-6	...	...	...	-133
Departmental Telecommunications System redistribution.....	-72
Federal Telecommunications System (FIS).....	-2	...	...	...	...
Total decreases.....	...	-15	...	-24	...	-5	...	-338
Total, adjustments to base.....	...	453	...	274	...	101	14	2,595
Program changes	1,900
Change 1984 from 1983.....	...	453	...	274	...	101	14	4,495

*Includes Offices of Attorney General, Deputy Attorney General and Associate Attorney General.

*Includes Offices of Legal Policy, Public Affairs and Legislative Affairs.

*Includes the Office of Intelligence Policy and Review and the Office of Professional Responsibility.

*Includes the audit program.

*Includes the Board of Immigration Appeals and the Office of the Pardon Attorney.

ADMINISTRATIVE REVIEW AND APPEALS		FEDERAL JUSTICE RESEARCH PROGRAM		STATE AND LOCAL DRUG GRANTS		Total	
FOR.	AMOUNT	FOR.	AMOUNT	FOR.	AMOUNT	FOR.	AMOUNT
49	81,978	...	8419	...	85,700	723	841,953
247	8,223	...	350	...	9,400	929	54,873
...	245	...	...	...	...	...	1,831
247	8,468	...	350	...	9,400	929	56,704
247	11,728	...	797	...	...	943	56,364
...	3,290	...	447	...	-9,400	14	-340
...	...	...	...	...	...	8	573
...	...	...	...	...	...	6	306
...	163	...	...	...	...	...	205
...	3	...	...	...	...	...	67
...	14	...	...	...	...	...	96
...	2,756	...	...	...	...	...	2,756
...	107	...	...	...	...	...	346
...	18	...	...	...	...	...	116
...	...	...	...	...	...	...	23
...	177	...	...	...	...	...	2,023
...	1	...	...	...	...	...	30
...	2	...	...	...	...	...	51
...	...	...	...	...	...	...	27
...	...	...	...	...	...	...	62
...	1	...	...	...	...	...	8
...	3	...	...	...	...	...	9
...	...	...	...	...	...	...	14
...	71	...	18	...	...	...	423
...	3,310	...	18	...	...	...	6,282
...	-5	...	...	...	...	...	-95
...	-23	...	...	...	...	...	-102
...	...	...	...	...	...	...	-139
...	...	...	...	...	...	...	-72
...	...	...	...	...	...	...	-2
...	-20	...	...	...	...	...	-110
...	3,290	...	18	...	...	14	6,731
...	...	...	429	...	-9,400	...	-7,071
...	4,620	...	447	...	-9,400	14	-340

GENERAL ADMINISTRATION, SALARIES AND EXPENSES
(Dollars in thousands)

	<u>Perm.</u>		<u>Amount</u>	
	<u>Pos.</u>		<u>Pos.</u>	<u>Amount</u>
1982 obligations.....	723		\$41,853	
1983 as enacted.....	929		54,873	
1983 pay supplemental requested.....	...		1,831	
1983 appropriation anticipated.....	929		56,704	
Transfer from the General Legal Activities.....	8		573	
Transfer from the Working Capital Fund.....	6		306	
Uncontrollable increases (see page 12).....	...		6,262	
Decreases (see page 12).....	...		-410	
1984 base.....	943		63,435	
Program changes (detailed below).....	...		-7,071	
1984 estimate.....	943		56,364	
	<u>1984 Base</u>		<u>1984 Estimate</u>	<u>Inc./Dec.</u>
	<u>Perm.</u>		<u>Perm.</u>	<u>Perm.</u>
	<u>Pos.</u>	<u>Amount</u>	<u>Pos.</u>	<u>Amount</u>
<u>Comparison by activity and program</u>				
1. Program direction and policy coordination:				
a. Department Leadership.....	56	\$4,535	56	\$4,535
b. Executive Support.....	66	4,102	66	4,102
c. Intelligence Policy & Professional Responsibility.....	22	1,340	22	1,348
d. Justice Management.....	461	26,403	461	28,303
e. Audit Staff.....	91	5,521	91	5,521
Subtotal.....	696	41,909	696	43,809
2. Administrative review and appeals....	247	11,758	247	11,758
3. Federal justice research program.....	...	368	...	797
4. State and local drug grants.....	...	9,400	...	...
Total.....	943	63,435	943	56,364
				<u>Perm.</u>
				<u>Pos.</u>
<u>Program changes</u>				
Justice Management.....	...			\$1,900
The request will provide the Justice Management Division with \$1,900,000 to strengthen and upgrade the Department's automated administrative systems. These systems support financial management, personnel processing and employment compensation for the Department (except the FBI). These systems were designed in 1970, with major changes occurring since then in regulating requirements, ADP technology, and management information requirements.				
Federal Justice Research Program.....	...			429
An increase of \$409,000 is requested to provide resources needed to fund projects in the areas of immigration policy, drug enforcement and violent crime initiatives.				
State and Local Drug Grants.....	...			-9,400
In keeping with the emphasis of this Administration, which encourages states to assume the costs associated with drug projects, no funds are being requested in 1984.				
Total program changes, General Administration.....	...			-7,071

U.S. PAROLE COMMISSION, SALARIES AND EXPENSES
(Dollars in thousands)

	Perm. Pos.	Amount
1982 obligations.....	172	\$6,294
1983 as enacted.....	157	6,663
1983 pay supplemental requested.....	...	216
1983 appropriation anticipated.....	157	6,879
Uncontrollable increases (see p. 10).....	...	765
Decreases:		
Nonrecurring cost for change in hourly rate.....	...	-18
1984 base.....	157	7,626
Program changes (detailed below).....	...	210
1984 estimate.....	157	7,836

	<u>1984 Base</u>		<u>1984 Estimate</u>		<u>Inc./Dec.</u>	
<u>Comparison by activity and program</u>	Perm. Pos.	Amount	Perm. Pos.	Amount	Perm. Pos.	Amount
1. U.S. Parole Commission:						
Parole.....	157	\$7,626	157	\$7,836	...	\$210

	Perm. Pos.	Amount
<u>Program changes</u>		
Parole.....	...	\$210

This increase will enable the Parole Commission to pay the "going-rate" for contract typists to transcribe summaries of hearings and Notices of Appeals and to fund training directly related to the application of parole guidelines.

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

Analysis of an Increase of \$19,592,000
(Dollars in thousands)

	Solicitor General		Tax Division		Criminal Division		Civil Division	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
1982 obligations.....	45	82,917	541	822,699	766	834,700	640	831,960
1983 as enacted.....	45	3,235	541	23,643	744	35,125	651	33,433
1983 pay supplemental requested.....	...	114	...	956	...	1,321	...	578
1983 appropriation anticipated.....	45	3,349	541	24,699	744	36,446	651	34,539
1984 estimate.....	45	3,527	537	25,343	741	40,130	702	44,815
Change 1984 from 1983.....	...	178	-4	1,644	-3	3,684	51	10,276
<u>Summary of Changes</u>								
<u>Adjustments to base</u>								
Transfer from Antitrust Division for consumer affairs litigation.....	38	1,681
Transfer from Immigration and Naturalization Service for civil immigration litigation.....	4	250
Transfer to Justice Management Division for library consolidation.....	-4	-248	-3	-180	...	...
Total transfers.....	-4	-248	-3	-180	42	1,931
<u>Uncontrollable increases:</u>								
Annualization of 1983 pay increase.....	3	...	7	...	10
Annualization of executive level pay increase.....	...	14	...	50	...	73	...	42
Annualization of Medicare costs.....	...	4	...	50	...	69	...	68
Annualization of civil immigration report training.....	-227	...	227
Within-grade increase.....	...	16	...	184	...	275	...	228
Health benefits costs.....	...	3	...	43	...	74	...	57
Standard level user charges (SLUC).....	...	127	...	1,389	...	2,326	...	1,623
GSA recurring reimbursable services.....	...	2	...	13	...	29	...	20
Postal Service redistribution.....	...	6	...	16	...	72	...	75
Federal Telecommunications System (FIS) redistribution.....	20	...	45	...	...
C&P telephone-rate increase.....	...	2	...	20	...	21	...	23
Telephone system line charges.....	...	6	...	84	...	55	...	51
GPO printing costs.....	...	8	...	...	...	2	...	2
Employee data and payroll services.....	5	...	8	...	6
Full-field investigations.....	...	1	...	8	...	8	...	8
General pricing level adjustment.....	...	10	...	160	...	214	...	406
Departmental telecommunications costs.....	...	-8	...	...	...	...	...	...
INTERPOL annual dues.....
Total, uncontrollable increases.....	...	195	...	2,005	...	3,278	42	2,635
<u>Decreases:</u>								
One less compensable day.....	...	-7	...	-70	...	-105	...	-84
Nonrecurring cost for change in hourly rate.....	...	-2	...	-43	...	-59	...	-109
Nonrecurring decrease for 1983 litigation support activities.....	-1,359
Postal Service redistribution.....
Federal Telecommunications System (FIS) redistribution.....	...	-4	...	-16	...	...	...	...
Total decreases.....	...	-17	...	-113	...	-164	...	-1,561
Total, adjustments to base.....	...	178	-4	1,644	-3	2,707	42	3,209
<u>Program changes</u>	977	9	7,067
Change 1984 from 1983.....	...	178	-4	1,644	-3	3,684	51	10,276

Land and Natural Resources Division			Office of Legal Counsel			Civil Rights Division			Office of the Special Prosecutor			INTERPOL		Total		
	Fos.	Amount		Fos.	Amount		Fos.	Amount		Fos.	Amount	Fos.	Amount			
336	\$17,119		35	\$1,599		305	\$17,530		...	\$304		6	\$1,129		2,754	\$129,957
336	18,878		35	1,914		305	18,583		...	...		6	1,117		2,743	136,128
...	578		...	72		...	650		...	...		...	23		...	4,720
336	19,456		35	1,986		305	19,233		...	...		6	1,140		2,743	140,848
336	20,730		35	2,146		305	21,630		...	...		6	1,455		2,801	160,440
...	1,274		...	160		14	2,057		...	...		...	319		58	19,592
...	...		...	...		...	...		...	...		...	...		38	1,681
...	...		...	...		...	...		...	...		...	...		4	250
...	...		...	...		-1	-123		...	...		...	...		-8	-551
...	...		...	...		-1	-123		...	...		...	...		34	1,380
...	1		...	...		...	6		...	...		...	...		...	27
...	114		...	7		...	27		...	...		...	...		...	327
...	32		...	4		...	36		...	...		...	1		...	264
...
...	114		...	2		...	135		...	...		...	2		...	967
...	38		...	13		...	44		...	...		...	2		...	263
...	800		...	123		...	891		...	...		...	35		...	7,314
...	9		...	2		...	11		...	...		...	1		...	87
...	4		...	...		...	5		...	...		...	4		...	182
...	1		...	4		...	35		...	...		...	...		...	105
...	18		...	2		...	17		...	...		...	2		...	105
...	34		...	4		...	44		...	...		...	3		...	241
...	4		...	2		...	1		...	...		...	...		...	19
...	3		...	...		...	4		...	...		...	...		...	26
...	...		...	...		...	3		...	...		...	...		...	28
...	205		...	4		...	122		...	...		...	5		...	1,126
...	...		...	...		...	...		...	...		...	46		...	38
...	...		...	...		...	...		...	...		...	220		...	220
...	1,377		...	168		...	1,381		...	...		...	321		...	11,339
...	-48		...	-5		...	-52		...	...		...	...		...	-371
...	-55		...	-1		...	-34		...	...		...	-2		...	-305
...	...		...	...		...	...		...	...		...	...		...	-1,359
...	...		...	-1		...	...		...	...		...	...		...	-1
...	...		...	...		...	...		...	...		...	...		...	-20
...	-103		...	-8		...	-86		...	...		...	-2		...	-2,056
...	1,274		...	160		-1	1,172		...	...		...	319		34	10,663
...	...		...	...		15	885		...	...		...	...		24	8,929
...	1,274		...	160		14	2,057		...	...		...	319		58	19,592

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES
(Dollars in thousands)

	Perna. Pos.	Amount
1982 obligations.....	2,754	129,957
1983 as enacted.....	2,743	136,128
1983 pay supplemental requested.....	...	4,720
Transfer from Antitrust Division for consumer affairs litigation..	38	1,681
Transfer from Immigration and Naturalization Service for civil immigration litigation.....	4	250
Transfer to Justice Management Division for library consolidation.	-8	-551
1983 appropriation anticipated.....	2,743	\$140,848
Uncontrollable increases (see p. 16).....	...	11,339
Decreases.....	...	-2,056
1984 base(see p. 16).....	2,777	151,511
Program changes (detailed below).....	24	8,929
1984 estimate.....	2,801	160,440

Comparison by activity and program	1984 Base		1984 Estimate		Inc./Dec.	
	Perna. Pos.	Amount	Perna. Pos.	Amount	Perna. Pos.	Amount
1. Conduct of Supreme Court proceedings and review of appellate matters.....	45	\$3,527	45	\$3,527	...	...
2. General tax matters:						
Federal appellate activity...	90	4,570	90	4,570	...	...
Criminal tax prosecution....	90	4,870	90	4,870	...	...
Civil tax litigation.....	241	12,080	241	12,080	...	...
Judgment enforcement.....	10	370	10	370	...	...
Management and administration	106	4,453	106	4,453	...	...
Subtotal.....	537	26,343	537	26,343	...	...
3. Criminal matters:						
Federal appellate activity...	32	1,630	32	1,630	...	...
Organized crime prosecution..	240	13,337	240	13,564	...	\$227
Public integrity (corruption)	36	2,087	36	2,087	...	...
Fraud.....	84	4,916	84	4,916	...	...
Narcotic and dangerous drug prosecution.....	39	2,064	39	2,064	...	...
Internal security.....	35	1,797	35	1,797	...	...

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES
(Dollars in thousands)

Comparison by activity and program	1984 Base		1984 Estimate		Inc./Dec.	
	Perm. Pos.	Amount	Perm. Pos.	Amount	Perm. Pos.	Amount
General litigation and legal advice.....	52	\$2,805	52	\$2,903	...	\$98
Office of special investigations.....	49	2,676	49	2,676	...	...
Prosecution support.....	82	3,479	82	3,479	...	...
Management and administration..	92	4,362	92	5,014	...	652
Subtotal.....	741	39,153	741	40,130	...	977
4. Claims, customs, and general civil matters:						
Federal appellate activity.....	61	3,343	61	3,463	...	120
Tort claims.....	135	8,799	135	13,475	...	4,676
Commercial litigation.....	207	11,205	207	12,212	...	1,007
Federal programs.....	142	7,711	142	8,661	...	950
Consumer litigation.....	35	1,568	35	1,568	...	...
Immigration litigation.....	16	915	16	915	...	...
Management and administration..	97	4,207	106	4,521	9	314
Subtotal.....	693	37,748	702	44,815	9	7,067
5. Land, natural resources and Indian matters:						
Federal appellate activity.....	27	1,380	27	1,380	...	...
Land acquisition.....	57	2,947	57	2,947	...	...
Environmental protection.....	114	6,108	114	6,108	...	...
General litigation.....	96	5,609	96	5,609	...	...
Management and administration..	42	4,686	42	4,686	...	...
Subtotal.....	336	20,730	336	20,730	...	...
6. Legal opinions.....	35	2,146	35	2,146	...	...
7. Civil rights matters:						
Federal appellate activity.....	30	1,568	30	1,568	...	...
Civil rights prosecution.....	37	1,812	40	1,966	3	174
Special litigation.....	35	2,045	35	2,045	...	...
Voting.....	56	2,357	68	2,741	12	384
General litigation.....	66	3,194	66	3,194	...	...
Federal enforcement.....	61	3,099	61	3,099	...	...
Coordination and review.....	39	1,972	39	1,972	...	...
Management and administration..	60	4,358	60	4,685	...	327
Subtotal.....	384	20,405	399	21,290	15	885
8. INTERPOL.....	6	1,459	6	1,459	...	...
Total.....	2,777	151,511	2,801	160,440	24	8,929

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES
(Dollars in thousands)

<u>Program changes</u>	<u>Perm.</u>	<u>Amount</u>
	<u>Pos.</u>	
Criminal matters.....	...	\$977
<p>Of the \$977,000 increase requested, \$690,000 is to fund improvements in automated information systems and word processing capabilities in support of all Criminal Division programs. These systems will address case management, attorney timekeeping, workload monitoring, planning and oversight and other information management needs. The remaining \$287,000 is to cover a shortfall in personnel funding occasioned by the recruitment and hiring of experienced prosecutors in lieu of recent law school graduates. This increase will be applied principally in the Organized Crime Prosecution and General Litigation and Legal Advice programs and allow the Division to maintain full staffing to authorized workyear levels.</p>		
Claims, customs and general civil matters.....	9	7,067
<p>The major component of this increase is \$6,148,000 for automated litigation support, primarily in the Federal Programs, Torts and Commercial Litigation programs. This funding will be used for document screening, microfilming, indexing and maintenance as well as ADP-related costs associated with the operation and use of document repositories in support of trial preparation. An additional \$769,000 is requested to acquire ADP hardware and software to enhance the productivity of existing Civil Division personnel through implementation of office automation technologies. A funding increase of \$150,000 is included to upgrade existing positions to provide for the planning, management and oversight of the expanded litigation support and ADP efforts. The position increase reflects the conversion of existing temporary personnel to full-time permanent appointments. No additional funding is requested for this purpose.</p>		
Civil rights matters.....	15	885
<p>This increase will provide three positions and \$174,000 for the Civil Rights Prosecution program to increase efforts against violent activities of the Ku Klux Klan and other hate groups. Twelve positions and \$384,000 are requested to address the expected increase in. The Voting program workload occasioned by the extension of the Voting Rights Act. In addition, \$327,000 is requested to upgrade automated information systems capabilities and services in support of all Civil Rights Division programs.</p>		
Total program changes, General Legal Activities.....	24	8,929

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION
(Dollars in thousands)

	Perm. Pos.	Amount
1982 obligations.....	18	\$658
1983 as enacted.....	18	774
1983 pay supplemental requested.....	...	28
1983 appropriation anticipated.....	18	802
Uncontrollable increases (see p. 10).....	...	155
Decreases:		
Nonrecurring cost for change in hourly rate.....	...	-2
One less compensable day.....	...	-1
1984 base.....	18	954
Program changes.....	...	...
1984 estimate.....	18	954

	<u>1984 Base</u>		<u>1984 Estimate</u>		<u>Inc./Dec.</u>	
<u>Comparison by activity and program</u>	Perm. Pos.	Amount	Perm. Pos.	Amount	Perm. Pos.	Amount
1. Adjudication of international claims.....	18	\$954	18	-\$954	...	...

SALARIES AND EXPENSES, ANTITRUST DIVISION
(Dollars in thousands)

	Perma. Pos.	Amount
1982 obligations.....	829	\$41,093
1983 as enacted.....	742	43,389
1983 pay supplemental requested.....	...	<u>1,133</u>
1983 appropriation anticipated.....	742	44,522
Transfer to Civil Division for consumer affairs litigation.....	-38	-1,681
Uncontrollable increases (see p. 10).....	...	3,574
Decreases:		
One less compensable day.....	...	-106
Change in hourly rate.....	...	-73
Postal Service redistribution.....	...	-86
Costs associated with 1983 program decrease.....	...	<u>-354</u>
1984 base.....	704	45,791
Program changes (detailed below).....	...	...
1984 estimate.....	704	45,791

	<u>1984 Base</u>		<u>1984 Estimate</u>		<u>Inc./Dec.</u>	
	Perma. Pos.	Amount	Perma. Pos.	Amount	Perma. Pos.	Amount
<u>Comparison by activity and program</u>						
1. Enforcement of antitrust, consumer protection and kindred laws:						
Federal appellate activity.....	23	\$1,175	23	\$1,175	...	...
Termination and prevention of private cartel behavior.....	211	14,561	211	14,561	...	...
Preservation of competitive market structure.....	208	17,643	208	17,643	...	...
Judgment enforcement.....	22	1,328	22	1,328	...	...
Policy analysis, legislation and training.....	92	4,706	92	4,706	...	...
Competition advocacy.....	59	2,617	59	2,617	...	...
Management and administration...	89	<u>3,761</u>	89	<u>3,761</u>	...	...
Total.....	704	45,791	704	45,791	...	...

U.S. ATTORNEYS AND MARSHALS
Summary of an Increase of \$20,116,000
(Dollars in thousands)

	U.S. Attorneys		Bankruptcy Matters		U.S. Marshals		Total	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
1982 obligations.....	4,527	\$197,931	147	\$5,667	2,068	\$106,641	6,742	\$310,239
1983 as enacted.....	4,560	219,275	167	7,500	2,087	104,206	6,792	330,981
1983 pay supplemental requested.....	...	7,377	...	196	...	3,237	...	10,810
Transfer from D.C. Government.....	22	800	...	...	...	...	22	800
1983 appropriation anticipated.....	4,560	227,452	167	7,696	2,087	107,443	6,814	342,591
1984 estimate.....	4,597	248,273	...	...	2,068	114,434	6,665	362,707
Change 1984 from 1983.....	37	20,821	-167	-7,696	-19	-6,991	-149	20,116
Summary of Changes								
Adjustments to base								
Transfer from Working Capital Fund to U.S. Attorneys.....	5	...	...	...	...	...	5	...
Uncontrollable increases:								
Annualization of 1983 pay increase.....	...	276	...	23	...	134	...	433
Annualization of executive level pay increase.....	...	393	...	2	...	8	...	403
Annualization of Medicare costs.....	...	393	...	13	...	180	...	586
Annualization of additional positions approved in 1983.....	...	3,774	...	254	...	...	...	4,028
Administrative salary increase.....	...	4,421	...	41	...	...	...	4,462
Within-grade increase.....	...	371	...	95	...	655	...	1,081
Retirement contributions-Social Security (FICA)....	...	83	...	...	...	...	...	83
Health benefits costs.....	...	318	...	9	...	...	...	327
Federal Employees' Compensation Act (FECA)-Workers Compensation.....	...	-71	...	...	...	148	...	77
Postal Service redistribution.....	...	71	...	...	...	-11	...	60
Standard level user charges.....	...	6,358	...	83	...	2,643	...	9,084
GSA recurring reimbursable services.....	...	100	...	12	...	...	...	112
Federal Telecommunication System (FTS).....	...	403	...	67	...	23	...	493
CAP telephone rate increases.....	...	56	...	...	...	...	...	56
Telephone system line charges.....	...	16	...	1	...	3	...	20
GPO printing costs.....	...	58	...	...	...	10	...	68
Departmental telecommunications redistribution.....	...	110	...	...	...	196	...	306
Employee data and payroll services.....	...	43	...	2	...	21	...	66
Full-field investigations.....	...	...	...	3	...	17	...	20
General pricing level adjustment.....	...	1,126	...	26	...	518	...	1,670
Foreign allowances.....	...	...	...	...	...	5	...	5
Total, uncontrollable increases.....	...	18,299	...	591	...	4,950	...	23,440
Decreases:								
One less compensable day.....	...	-495	...	-26	...	-229	...	-750
Nonrecurring costs for change in hourly rate.....	...	-471	...	-15	...	-174	...	-660
Total adjustments to base.....	5	17,333	...	565	...	4,147	5	22,045
Program Changes.....	32	3,488	-167	-8,261	-19	2,844	-154	-1,929
Change 1984 from 1983.....	37	20,821	-167	-7,696	-19	-6,991	-149	20,116

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS AND MARSHALS
(Dollars in thousands)

	Perm. Pos.	Amount
1982 obligations.....	6,742	\$310,239
1983 as enacted.....	6,792	330,981
1983 pay supplemental requested.....	...	10,810
Transfer from D.C. Government.....	22	800
1983 appropriation anticipated.....	6,814	342,591
Transfer to U.S. Attorneys from the Working Capital Fund for the Docket and Reporting System.....	5	...
Uncontrollable increases (see p. 23).....	...	23,440
Decreases (see p. 23).....	...	-1,392
1984 base.....	6,819	364,636
Program changes (detailed below).....	-154	-1,929
1984 estimate.....	6,665	362,707

<u>Comparison by activity and program</u>	<u>1984 Base</u>		<u>1984 Estimate</u>		<u>Inc./Dec.</u>	
	Perm. Pos.	Amount	Perm. Pos.	Amount	Perm. Pos.	Amount
1. U.S. Attorneys:						
Federal appellate activity..	343	\$18,029	343	\$18,029	...	...
Criminal litigation.....	2,513	130,484	2,513	132,784	...	\$2,300
Civil litigation.....	1,567	78,938	1,599	80,126	32	1,188
Litigation support activity.	25	2,591	25	2,591	...	...
Management and administra- tion.....	117	14,743	117	14,743	...	...
Subtotal.....	4,565	244,785	4,597	248,273	32	3,488
2. Bankruptcy Matters:						
Administration of cases.....	149	6,897	...	...	-149	-6,897
Executive direction.....	18	1,364	...	...	-18	-1,364
Subtotal.....	167	8,261	...	...	-167	-8,261
3. U.S. Marshals:						
Witness security.....	262	18,433	262	18,433	...	...
Fugitive investigations and court orders.....	513	27,213	463	26,144	-50	-1,069
Security support.....	299	14,881	330	18,794	31	3,913
Financial support services....	156	3,214	156	3,214	...	...
U.S. Marshals training.....	9	677	9	677	...	...
Handling of federal prisoners.	724	33,960	724	33,960	...	...
Executive direction.....	49	2,547	49	2,547	...	...
Administrative services.....	75	10,665	75	10,665	...	...
Subtotal.....	2,087	111,596	2,068	114,434	-19	2,844
Total.....	6,819	364,636	6,665	362,707	-154	-1,929

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS AND MARSHALS
(Dollars in thousands)

<u>Program changes</u>	<u>Perm. Pos.</u>	<u>Amount</u>
U.S. Attorneys:		
Criminal litigation.....	...	\$2,300
This increase will provide funding for reimbursements to financial institutions for searching and reproducing records required by the Right to Financial Privacy Act, and for increased reporting costs resulting from amendment of the <u>Federal Rules of Criminal Procedure</u> .		
Civil litigation.....	32	1,188
This increase will enhance the capacity of U.S. Attorneys to handle an increasing civil litigation workload for which they are responsible.		
U.S. Trustees:		
Bankruptcy Matters.....	-167	-8,261
The program decrease reflects the Administration's decision to terminate the U.S. Trustee pilot program as of September 30, 1983. Therefore, the 1984 estimates contain no funding for this program.		
U.S. Marshals:		
Fugitive investigations and court orders.....	-50	-1,069
The program decrease is due to a reduction in the service of private process by U.S. and Deputy U.S. Marshals. Under P.L. 97-462, signed January 12, 1983, responsibility for the service of most private process, except that required for indigents or where a law enforcement officer is required, has been removed from the U.S. Marshals Service.		
Security support.....	31	3,913
This increase will provide funding for extraordinary protective details and additional courtroom security. The additional personnel will enhance the U.S. Marshals Service's ability to provide adequate courtroom security in those judicial districts where a need has been determined.		
Total program changes, U.S. Attorneys and Marshals.....	154	1,929

SUPPORT OF U.S. PRISONERS
(Dollars in thousands)

	Perm. Pos.	Amount
1982 obligations.....	...	\$29,566
1983 as enacted (appropriation anticipated).....	...	34,254
Uncontrollable increases (see p. 10).....	...	6,764
Decreases:		
Nonrecurring cost of renovating Monroe County jail under the Cooperative Agreement Program.....	...	-1,250
1984 base.....	...	39,768
Program changes (detailed below).....	...	5,000
1984 estimate.....	...	44,768

	1984 Base		1984 Estimate		Inc./Dec.	
	Perm. Pos.	Amount	Perm. Pos.	Amount	Perm. Pos.	Amount
<u>Comparison by activity and program</u>						
1. Care of U.S. prisoners in non-Federal institutions....	...	\$39,768	...	\$44,768	...	\$5,000

	Perm. Pos.	Amount
<u>Program changes</u>		
Care of U.S. prisoners in non-Federal institutions.....	...	\$5,000

An additional \$5,000,000 will increase the number of jail days funded for the incarceration of unsentenced prisoners in State and local detention facilities. It is anticipated that the number of unsentenced prisoners will increase as a result of the President's initiatives against organized crime drug trafficking and violent crime.

FEES AND EXPENSES OF WITNESSES
(Dollars in thousands)

	<u>Perm.</u> <u>Pos.</u>	<u>Amount</u>
1982 obligations.....	...	\$30,987
1983 as enacted (appropriation anticipated).....	...	35,700
Uncontrollable increases (see p. 10).....	...	<u>1,421</u>
1984 base.....	...	37,121
Program changes (detailed below).....	...	<u>1,145</u>
1984 estimate.....	...	38,266

<u>Comparison by activity</u>	<u>1984 Base</u>		<u>1984 Estimate</u>		<u>Inc./Dec.</u>	
	<u>Perm</u> <u>Pos.</u>	<u>Amount</u>	<u>Perm</u> <u>Pos.</u>	<u>Amount</u>	<u>Pos.</u>	<u>Amount</u>
1. Fact witnesses.....	...	\$15,537	...	\$15,682	...	\$145
2. Protection of witnesses.....	...	10,989	...	10,989	...	...
3. Expert witnesses.....	...	10,145	...	11,145	...	1,000
4. Mental competency examinations..	...	450	...	450	...	...
Total.....	...	37,121	...	38,266	...	1,145

<u>Program changes</u>	<u>Perm.</u> <u>Pos.</u>	<u>Amount</u>
Fact Witnesses.....	...	\$145
The increase is necessary to provide for an increase in witness-attendance-days for which the statutory attendance fee of \$30 per day is paid.		
Expert witnesses.....	...	1,000
The increase is necessary to support an increase in the number of complex cases in litigation which requires an increase in the use of expert witnesses; increases in the fees charged by expert witnesses; and, increased costs associated with travel, lodging, subsistence and other expenses paid expert witnesses.		
Total program changes, Fees and Expenses of Witnesses.....	...	1,145

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE
(Dollars in thousands)

	Perm. Pos.	Amount
1982 obligations.....	100	\$5,674
1983 as enacted.....	88	5,764
1983 pay supplemental requested.....	...	203
1983 appropriation anticipated.....	88	5,967
Uncontrollable increases (see p. 10).....	...	644
Decreases:		
One less compensable day.....	...	-14
Change in hourly rate.....	...	-11
Postal Service redistribution.....	...	-12
Benefits to former employees.....	...	-341
1984 base.....	88	6,233
Program changes (detailed below).....	...	81
1984 estimate.....	88	6,314

	<u>1984 Base</u>		<u>1984 Estimate</u>		<u>Inc./Dec.</u>	
	Perm. Pos.	Amount	Perm. Pos.	Amount	Perm. Pos.	Amount
<u>Comparison by activity and program</u>						
1. Prevention and conciliation of community disputes:						
Technical assistance.....	5	\$333	5	\$333	...	...
Program operations.....	64	4,699	64	4,699	...	...
Executive direction.....	13	931	13	1,012	...	\$81
Administrative services.....	6	270	6	270	...	...
Total.....	88	6,233	88	6,314	...	81

<u>Program changes</u>	Perm. Pos.	Amount
Executive direction.....	...	\$81

This increase will permit CRS to purchase a data processing system to replace a leased system which will result in a net savings of \$68,000 beginning in 1985 and continuing.

ORGANIZED CRIME DRUG ENFORCEMENT, SALARIES AND EXPENSES
(Dollars in thousands)

	Perm. Pos.	Amount
1982 obligations.....	...	...
1983 as enacted (appropriation anticipated).....	1,610*	\$127,500
Transfer to Department of the Treasury	-500	-12,716
Uncontrollable increases (see p. 11).....	...	24,765
Decreases:		
Nonrecurring costs of permanent change of station moves.....	...	-1,900
Nonrecurring costs of one aircraft for DEA.....	...	-2,000
Nonrecurring costs for FBI automation.....	...	-16,000
Nonrecurring costs for FBI Voice Privacy equipment.....	...	-12,000
Nonrecurring costs for Cooperative Agreement Program.....	...	-5,000
Nonrecurring costs for FPS expansion.....	...	-18,000
1984 base.....	1,110	84,649
Program changes (detailed below).....	20	21,300
1984 estimate.....	1,130*	105,949

<u>Comparison by activity and program</u>	<u>1984 Base</u> Perm. Pos.	<u>Amount</u>	<u>1984 Estimate</u> Perm. Pos.	<u>Amount</u>	<u>Inc./Dec.</u> Perm. Pos.	<u>Amount</u>
1. Law enforcement:						
DOJ Law Enforcement.....	760*	\$55,563	760*	\$55,563	...	...
DEA automation.....	...	4,000	...	5,800	...	\$1,800
FBI automation.....	...	...	...	5,000	...	5,000
State and local costs.....	...	3,256	...	3,256	...	...
Other Federal law enforcement.	...	4,000	...	...	...	-4,000
Subtotal.....	760*	66,819	760*	69,619	...	2,800
2. Prosecution.....	340*	17,630	340*	17,630		
3. Corrections:						
Cooperative agreement program.	...	...	...	10,000	...	10,000
FPS expansion.....	10*	...	10*	6,000	...	6,000
Subtotal.....	10	...	10	16,000	...	16,000
4. Policy and Management:						
Presidential Commission on						
Organized Crime.....	...	...	20	2,500	20	2,500
Governor's Project.....	...	100	...	100	...	...
Annual Report.....	...	100	...	100	...	...
Subtotal.....	...	200	20	2,700	20	2,500
Total.....	1,110	84,649	1,130	115,949	20	21,300

*Reimbursable positions (1,110 of 1,130) have been reflected in order to portray the full-time equivalent requirement; however, these workyears will be earned by the Federal agencies participating in the Task Force operations.

ORGANIZED CRIME DRUG ENFORCEMENT, SALARIES AND EXPENSES
(Dollars in thousands)

<u>Program changes</u>	<u>Perm. Pos.</u>	<u>Amount</u>
DEA automation.....	...	\$1,800
The request for increased funding for DEA automation is to complete the redesign and redevelopment of DEA automated systems under a data base management system.		
FBI automation.....	...	5,000
An additional \$5,000,000 is requested for FBI automation. These funds will continue the on-going modernization of the FBI's automation capability including the implementation of the Field Office Information Management System and the Organized Crime Information System.		
Other Federal law enforcement.....	...	-4,000
It is anticipated that the U.S. Coast Guard will earn \$2,000,000 in reimbursements in 1983 for support of Task Force operations. The Regional Drug Task Forces are not expected to be primarily an interdiction effort as is the South Florida Task Force. In 1984 the Coast Guard will absorb costs of Task Force support.		
Cooperative Agreement Program.....	...	10,000
The increase requested will permit the USIS to negotiate agreements with State and local governments for construction and/or expansion of jail space in order to guarantee space for Federal prisoners awaiting trial.		
FPS expansion.....	...	6,000
Additional resources are requested to increase Federal prison capacity by 340 bed spaces. Three facilities will be increased; these include facilities in the following regions — Northeast (1) and Southeast (2).		
Presidential Commission on Organized Crime.....	20	2,500
The Presidential Commission on Organized Crime is proposed to be established in 1984. The Commission will be composed of 15 distinguished citizens with previous criminal justice experience and will have a three-year term. It will be supported by a professional staff of 20 in addition to expert consultants.		
Total program changes, Organized Crime Drug Enforcement.....	20	21,300

FEDERAL BUREAU OF INVESTIGATION, SALARIES AND EXPENSES
(Dollars in thousands)

	Perma. Pos.	Amount
1982 obligations.....	19,456	\$761,890
1983 as enacted.....	19,307	825,154
1983 pay supplemental requested.....	...	28,165
1983 appropriation anticipated.....	19,479	853,319
Uncontrollable increases (see p. 11).....	...	41,989
Decreases:		
One-time costs for equipment.....	...	-4,176
Nonrecurring costs for AIDS studies.....	...	-2,075
One less compensable day.....	...	-2,222
Nonrecurring costs for hourly rate change.....	...	-1,697
1984 base.....	19,479	885,138
Program changes (detailed below).....	461	170,552
1984 estimate.....	19,940	1,055,690

Comparison by activity and program	1984 Base		1984 Estimate		Inc./Dec.	
	Perma. Pos.	Amount	Perma. Pos.	Amount	Perma. Pos.	Amount
1. Criminal, security and other investigations:						
Other field programs.....	6,725	\$308,934	7,146	\$348,246	421	\$39,312
Organized crime.....	2,149	98,430	2,149	98,430	...	...
White collar crime.....	3,015	138,843	3,015	138,843	...	...
Terrorism.....	244	12,947	269	13,777	25	830
Subtotal.....	12,133	559,154	12,579	599,296	446	40,142
2. Investigative support:						
Training.....	410	21,832	410	21,832	...	...
Forensic services - Federal...	321	15,415	321	15,415	...	...
ADP and telecommunications....	406	57,064	499	95,478	93	38,414
Legal attaches.....	69	4,092	69	4,092	...	...
Records management.....	1,367	38,209	1,367	38,209	...	...
Technical field support and equipment.....	95	43,446	162	93,702	67	50,256
Subtotal.....	2,668	180,958	2,828	268,728	160	88,670
3. State and local assistance:						
General law enforcement training.....	283	14,472	283	14,472	...	...
Forensic services - Non-Federal...	122	7,447	122	7,447	...	...
Fingerprint identification....	2,831	68,904	2,686	110,644	-145	41,740
Criminal justice data and statistics services.....	197	7,250	197	7,250	...	...
Subtotal.....	3,433	98,073	3,288	139,813	-145	41,740

FEDERAL BUREAU OF INVESTIGATION, SALARIES AND EXPENSES
(Dollars in thousands)

<u>Comparison by activity and program</u>	<u>1984 Base</u>		<u>1984 Estimate</u>		<u>Inc./Dec.</u>	
	<u>Perm. Pos.</u>	<u>Amount</u>	<u>Perm. Pos.</u>	<u>Amount</u>	<u>Perm. Pos.</u>	<u>Amount</u>
5. Program direction:						
Executive direction and control	487	\$23,393	487	\$23,393	...	...
Administrative services.....	758	24,460	758	24,460	...	...
Subtotal.....	<u>1,245</u>	<u>47,853</u>	<u>1,245</u>	<u>47,853</u>	...	...
Total.....	19,479	885,138	19,940	1,055,690	461	\$170,552

<u>Program changes</u>	<u>Perm. Pos.</u>	<u>Amount</u>
Criminal, security and other investigations.....	446	\$40,142

These increases are to be directed toward the FBI's highest priority field investigative programs, including its Foreign Counterintelligence program. The majority of these proposed enhancements are of a classified nature, and detailed information can be obtained from the "Special Analysis of Field Programs Exhibit." However, they can generally be characterized as seeking to improve the FBI's capability to deal with known and suspected hostile intelligence service agents operating within the United States.

The additional resources will also permit the full staffing of a Hostage Rescue Team based in the FBI's Washington, D.C. Field Office. This specially trained group will be available to handle any terrorist situation which may involve the taking of hostages.

ADP and Telecommunications.....	93	38,414
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These increases will permit the continuation of FBI's long-range plan to provide state-of-the-art technological support services to agent personnel. A major specific benefit will be full implementation of the Field Office Information Management System (FOIMS) in the Northeast Region. Also to be provided are: initial FOIMS support to the remaining eight of the FBI's twelve largest offices, enhancement of the FBI's main Computer Center, and further implementation of those information systems critical to effective investigative work (Intelligence Information System, Organized Crime Information System, and Investigative Support Information System). Additional automation support will also be given to the FBI's Laboratory Division and its Training program at Quantico.

FEDERAL BUREAU OF INVESTIGATION, SALARIES AND EXPENSES
(Dollars in thousands)

<u>Program changes</u>	<u>Penal.</u> <u>Pos.</u>	<u>Amount</u>
Technical field support and equipment.....	67	\$50,256
<p>These resource enhancements are intended to substantially upgrade the FBI's outdated equipment inventory. A significant portion of this increase is for the purchase and installation of voice privacy radio systems, the highest priority equipment need identified by FBI field managers. Also included are the purchase of five fixed-wing aircraft and one helicopter to replace aircraft that are currently on loan, under a lease arrangement or simply unsafe due to age. Funds will also permit the purchase of needed physical surveillance and security, audio collection, field recording, and audio and photographic processing equipment.</p>		
Fingerprint identification.....	-145	41,740
<p>This increase in funding is required to complete the third phase of the Automated Identification Division System (AIDS). When fully installed, this system will not only benefit Federal agencies but also State and local enforcement officials by providing more timely and accurate responses to fingerprint check requests. As a specific, secondary benefit resulting from the development and application of advanced technology, a reduction of 145 positions is proposed as a direct result of AIDS within the FBI's Identification Division. This action has served to offset the need for requesting an even higher increase in positions for the FBI as a whole.</p>		
Total program changes, Federal Bureau of Investigation.....	461	170,522

NOTE: Under a reimbursable arrangement, the FBI in 1984 will maintain a high level of participation in the Attorney General's Organized Crime Drug Enforcement (OCDE) program. Beyond the resources allocated during the current fiscal year, both FBI and OCDE efforts will mutually benefit from an additional \$5,000,000 in automation-related funds being requested in 1984 within the OCDE appropriation.

DRUG ENFORCEMENT ADMINISTRATION, SALARIES AND EXPENSES
(Dollars in thousands)

	Perm. Pos.	Amount
1982 obligations.....	3,953	\$241,376
1983 as enacted.....	3,953	248,162
1983 pay supplemental requested.....	...	<u>7,334</u>
1983 appropriation anticipated.....	3,953	255,496
Uncontrollable increases (see p. 11).....	...	10,749
Decreases:		
Nonrecurring costs for one less compensable day.....	...	-493
Nonrecurring costs for change in hourly rate.....	...	-459
Nonrecurring costs for Federal Telecommunications System (FTS).....	...	-210
Nonrecurring costs for 1983 amendment.....	...	<u>-975</u>
1984 base.....	3,953	264,106
Program changes (detailed below).....	<u>35</u>	<u>11,515</u>
1984 estimate.....	3,988	275,623

Comparison by activity and program	1984 Base		1984 Estimate		Inc./Dec.	
	Perm. Pos.	Amount	Perm. Pos.	Amount	Perm. Pos.	Amount
1. Enforcement of federal law and investigations:						
a. Domestic enforcement.....	1,787	\$112,899	1,787	\$117,364	...	\$4,465
b. Foreign cooperative investigations.....	356	30,556	365	31,416	9	860
c. Compliance and regulation..	343	16,014	343	16,014	...	...
d. State and local assistance:						
State and local training:	25	1,803	25	1,803	...	...
State and local labora-						
tory services.....	23	1,422	23	1,422	...	...
State and local task						
forces.....	122	12,952	122	12,952	...	...
Subtotal, State and						
local assistance.....	170	16,177	170	16,177	...	...
Subtotal.....	2,656	175,646	2,665	180,971	9	5,325
2. Intelligence.....	298	14,906	298	14,906	...	...
3. Research and development.....	17	2,283	17	2,283	...	...
4. Support operations:						
DEA laboratory services.....	174	9,586	190	12,044	16	2,458
DEA training.....	34	3,372	34	3,372	...	...
Technical operations.....	185	17,165	185	18,925	...	1,760
ADP and telecommunications...	110	16,355	120	18,327	10	1,972
Records management.....	91	3,416	91	3,416	...	...
Subtotal.....	594	49,894	620	56,084	26	6,190

DRUG ENFORCEMENT ADMINISTRATION, SALARIES AND EXPENSES
(Dollars in thousands)

	<u>1984 Base</u>		<u>1984 Estimate</u>		<u>Inc./Dec.</u>	
	<u>Perm.</u>		<u>Perm.</u>		<u>Perm.</u>	
<u>Comparison by activity and program</u>	<u>Pos.</u>	<u>Amount</u>	<u>Pos.</u>	<u>Amount</u>	<u>Pos.</u>	<u>Amount</u>
5. Program direction:						
Executive direction and						
control.....	241	\$12,928	241	\$12,928	...	...
Administrative services.....	147	8,451	147	8,451	...	...
Subtotal.....	<u>388</u>	<u>21,379</u>	<u>388</u>	<u>21,379</u>	<u>...</u>	<u>...</u>
Total.....	3,953	264,108	3,988	275,623	35	\$11,515

<u>Program changes</u>		<u>Perm.</u>	
		<u>Pos.</u>	<u>Amount</u>

Domestic enforcement.....	...	\$4,465
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This increase includes \$465,000 in base availability due to cost increases associated with the base vehicle procurement plan. The remaining \$4,000,000 will provide for the purchase of 405 additional vehicles to replace vehicles which presently exceed replacement criteria and which are, in some cases, unsafe.

Foreign cooperative investigations.....	9	860
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Included in this increase are six special agent, one intelligence analyst and two technical/clerical positions to be directed against major traffickers in Southwest Asian heroin. This will reinforce agent strength in certain European and Middle Eastern offices which are critical transshipment points on the Southwest Asian heroin trafficking routes.

Support operations.....	26	6,190
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This increase includes 16 positions and \$2,458,000 which will enable the DEA laboratory system to meet the increased workload resulting from expanded enforcement activities; replace obsolete or inoperable laboratory equipment; and will provide contract guard service to insure the safety of personnel and to preserve the integrity of drug evidence. This also includes \$1,760,000 for the purchase of 300 mobile radios and 300 portable radios to replace those which are outdated and not compatible with new voice privacy equipment. The remaining increase of 10 positions and \$1,972,000 will be applied to ADP and telecommunications for relocation to a facility at 2400 M Street which has sufficient space for installation of ADP hardware that present facilities cannot accommodate. The personnel increases will provide the necessary technical support for ADP initiatives funded in part through the Organized Crime Drug Enforcement program.

Total program changes, Drug Enforcement Administration.....	35	\$11,515
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Organized Crime Drug Enforcement (OCDE) Program. DEA will maintain a high level of participation in the Attorney General's OCDE program task force activities in 1984. In addition to the resources allocated during the current fiscal year, DEA and OCDE operations will benefit mutually from \$5,800,000 in automation-related funds which are requested in the OCDE appropriation.

IMMIGRATION AND NATURALIZATION SERVICE
(Dollars in thousands)

	<u>Perm.</u> <u>Pos.</u>	<u>Amount</u>
1982 obligations.....	10,604	\$441,527
1983 as enacted.....	10,483	484,431
1983 pay supplemental requested.....	...	<u>11,263</u>
1983 appropriation anticipated.....	10,483	495,694
Transfer to Civil Division.....	-4	-250
Transfer to Executive Office for Immigration Review.....	...	-1,514
Uncontrollable increases (see p. 11).....	...	21,967
Decreases:		
Costs of one less compensable day.....	...	-986
Costs for change in hourly rate.....	...	-772
Cost of full-field investigations provided for 57 positions in 1983.....	...	-74
Costs of transfers and moving expenses.....	...	-366
Costs of equipment.....	...	<u>-94</u>
1984 base.....	10,479	513,605
Program changes (detailed below).....	<u>22</u>	<u>25,656</u>
1984 estimate.....	10,501	539,261

	<u>1984 Base</u>		<u>1984 Estimate</u>		<u>Inc./Dec.</u>	
	<u>Perm.</u>		<u>Perm.</u>		<u>Perm.</u>	
<u>Comparison by activity and program</u>	<u>Pos.</u>	<u>Amount</u>	<u>Pos.</u>	<u>Amount</u>	<u>Pos.</u>	<u>Amount</u>
1. Enforcement:						
Inspections program.....	1,357	\$64,122	1,357	\$69,962	...	\$5,840
Border patrol program.....	2,866	113,554	2,866	113,554	...	...
Investigations.....	1,029	42,294	1,029	42,294	...	...
Anti-smuggling program.....	299	13,352	299	13,352	...	...
Detention and deportation.....	<u>1,040</u>	<u>81,893</u>	<u>1,040</u>	<u>71,893</u>	<u>...</u>	<u>-10,000</u>
Subtotal.....	6,591	315,215	6,591	311,055	...	-4,160
2. Citizenship and benefits:						
Adjudications & naturalization	1,143	40,616	1,143	40,616	...	...
Refugees and overseas.....	<u>108</u>	<u>7,529</u>	<u>108</u>	<u>7,529</u>	<u>...</u>	<u>...</u>
Subtotal.....	1,251	48,145	1,251	48,145	...	...

IMMIGRATION AND NATURALIZATION SERVICE
(Dollars in thousands)

Comparison by activity and program	1984 Base		1984 Estimate		Inc./Dec.	
	Pos.	Amount	Pos.	Amount	Pos.	Amount
3. Immigration support:						
Training.....	61	\$6,378	61	\$6,378	...	...
Data & communications systems.	161	27,394	183	47,600	22	\$20,206
Information and records management.....	1,245	30,496	1,245	41,305	...	10,809
Intelligence.....	26	1,614	26	1,614	...	...
Research and development.....	2	513	2	513	...	...
Construction and engineering..	15	4,278	15	4,278	...	...
Field management and support..	272	11,343	272	11,343	...	...
Legal proceedings.....	167	6,360	167	6,360	...	...
Subtotal.....	1,949	88,376	1,971	119,391	22	31,015
4. Program direction:						
Executive direction & control.	196	9,291	196	9,291	...	...
Administrative services.....	492	24,724	492	24,724	...	...
Subtotal.....	688	34,015	688	34,015	...	...
5. Reception/Processing/Care.....	...	27,854	...	26,655	...	-1,199
Total.....	10,479	513,605	10,501	539,261	22	25,656

<u>Program changes</u>	Perm. Pos.	Amount
Inspections.....	...	\$5,840
An increase of \$5,200,000 is requested to fund costs associated with the 1931 Overtime Act. In addition, \$640,000 is requested to fund 38 FTE workyears to accommodate the increase in inspections workload anticipated to result from the 1984 Olympics and to staff the new Otay Mesa, California, land port-of-entry scheduled to open in 1984.		
Detention and deportation.....	...	-10,000
A decrease of \$10,000,000 associated with the closure of the Fort Allen, Puerto Rico, Service Processing Center is requested.		
Data and communications systems.....	22	20,206
Of the requested increase, 22 positions and \$16,528,000 is to support INS' long-range ADP plan to automate its manual management and record keeping functions. INS' automation plan, approved by the Department and OMB, schedules the acquisition of major equipment essential to the successful implementation of the plan for 1984. The remaining \$3,678,000 is requested to augment and replace INS' radio, infrared intrusion and other communications systems.		

IMMIGRATION AND NATURALIZATION SERVICE
(Dollars in thousands)

<u>Program changes</u>	<u>Perm.</u>	<u>Pos.</u>	<u>Amount</u>
Information and records management.....	...		\$10,809
<p>Of the requested increase, \$10,090,000 is requested to implement a National Records Center to centrally locate INS' alien files from 46 files-control offices nationwide. One goal of the center is to encopy data, as presently exists. An increase of \$719,000 is requested to establish an Eastern Region Telephone Center with automatic call distribution and tape libraries to permit INS to respond more efficiently respond to telephone inquiries.</p>			
Reception Processing and Care.....	...		-1,199
<p>Due to recent court decisions to release Haitian entrants previously detained in the Krone North and Fort Allen, Puerto Rico, Service Processing Centers, a reduction in operating costs associated with this program is being requested.</p>			
Total program changes, Immigration and Naturalization Service.....	22		25,656

Federal Prison System
Analysis of an Increase of \$119,931,000
(Dollars in thousands)

	Salaries and Expenses		National Institute of Corrections		Buildings and Facilities		Total	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
1982 obligations.....	8,952	\$363,163	30	\$11,222	33	\$14,371	9,015	\$388,756
1983 as enacted.....	9,085	387,049	30	11,050	30	6,667	9,145	404,766
1983 pay supplemental requested.....	...	10,373	...	...	...	...	...	10,373
1983 appropriation anticipated.....	9,085	397,422	30	11,050	30	6,667	9,145	415,139
1984 estimate.....	9,291	426,263	30	11,665	36	97,142	9,357	535,070
Change 1984 from 1983.....	206	28,841	...	615	6	90,475	212	119,931
<u>Summary of Changes</u>								
<u>Adjustments to base</u>								
Transfer from Health and Human Services.....	46	...	...	...	...	...	46	...
<u>Uncontrollable increases:</u>								
Annualization of 1983 pay increase.....	...	1,605	...	36	...	...	...	1,641
Annualization of executive level pay increase.....	...	61	...	15	...	...	...	76
Annualization of Medicare costs.....	...	631	...	10	...	...	...	641
Annualization of positions approved in 1983..	...	1,503	...	...	...	...	...	1,503
Within-grade increases.....	...	1,969	...	5	...	...	...	1,974
Health benefits costs.....	...	886	...	2	...	...	...	888
Federal Employees Compensation Act (FECA)	...	...	...	...	...	...	...	...
Workers' Compensation.....	...	1,344	...	...	...	...	...	1,344
Standard level user charges (SLUC).....	...	970	...	16	...	...	...	986
GSA recurring reimbursable services.....	...	26	...	...	...	...	...	26
Federal Telecommunications System (FTS).....	...	328	...	...	...	...	...	328
Telephone system line charges.....	...	20	...	2	...	...	...	22
GPO printing costs.....	...	3	...	...	...	...	...	3
Employee data and payroll services.....	...	59	...	...	...	...	...	59
Full-field investigations.....	...	211	...	...	...	...	...	211
General pricing level adjustment.....	...	7,160	...	537	...	451	...	8,148
Population adjustment.....	...	1,834	...	...	...	...	...	1,834
Utilities cost increases.....	...	2,963	...	...	...	...	...	2,963
FMS indirect pay costs.....	...	474	...	...	...	...	...	474
Total, uncontrollable increases.....	...	22,047	...	623	...	451	...	23,121
<u>Decreases:</u>								
One less compensable day.....	...	-978	...	-4	...	...	...	-982
Nonrecurring costs for change in hourly rate.....	...	-717	...	-4	...	...	...	-721
Nonrecurring facilities activation costs.....	...	-708	...	...	...	...	...	-708
Department telecommunications redistribution.....	...	-340	...	...	...	...	...	-340
Nonrecurring positions associated with closed projects.....	...	...	...	...	-5	...	-5	...
Total, decreases.....	...	-2,753	...	-8	...	-5	...	-2,751
Total, adjustments to base.....	46	19,304	...	615	-5	451	-5	20,370
Program changes.....	160	9,537	...	...	11	90,024	171	99,561
Change 1984 from 1983.....	206	28,841	...	615	6	90,475	212	119,931

FEDERAL PRISON SYSTEM, SALARIES AND EXPENSES
(Dollars in thousands)

	Perm. Pos.	Amount
1982 obligations.....	8,952	\$363,163
1983 as enacted.....	9,085	367,049
1983 pay supplemental requested.....	...	10,373
1983 appropriation anticipated.....	9,085	397,422
Transfer from the Department of Health and Human Services.....	46	...
Uncontrollable increases (see p. 39).....	...	22,047
Decreases (see p. 39).....	...	-2,743
1984 base.....	9,131	416,726
Program changes (detailed below).....	160	9,537
1984 estimate.....	9,291	426,263

Comparison by activity and program	1984 Base		1984 Estimate		Inc./Dec.	
	Perm. Pos.	Amount	Perm. Pos.	Amount	Perm. Pos.	Amount
1. Inmate care and custody services:						
Food and farm services.....	406	\$36,152	406	\$36,856	...	\$704
Medical services.....	721	40,435	827	42,906	106	2,471
Other inmate services.....	121	7,331	121	7,470	...	139
Contract confinement in State and local institutions.....	...	8,016	...	8,013	...	...
Institution security.....	3,721	92,181	3,775	92,308	54	127
Unit management.....	1,125	35,333	1,125	35,333	...	...
Subtotal.....	6,094	219,450	6,254	222,891	160	3,441
2. Inmate programs:						
General and occupational education.....	279	11,998	279	11,998	...	...
Leisure program.....	118	4,686	118	4,686	...	...
Religious program.....	69	3,392	69	3,392	...	...
Psychology program.....	85	4,201	85	4,201	...	...
Subtotal.....	551	24,277	551	24,277	...	...
3. Institution administration and maintenance:						
Institution administration.....	1,169	54,359	1,169	54,359	...	...
Staff training.....	57	5,764	57	5,764	...	...
Institution maintenance.....	789	61,099	789	61,099	...	...
Subtotal.....	2,015	121,222	2,015	121,222	...	...
4. Community corrections:						
Community Programs Management....	74	3,867	74	3,867	...	...
Contract C.C.s.....	...	22,404	...	28,500	...	6,096
Subtotal.....	74	26,271	74	32,367	...	6,096

FEDERAL PRISON SYSTEM, SALARIES AND EXPENSES
(Dollars in thousands)

<u>Comparison by activity and program</u>	<u>1984 Base</u>		<u>1984 Estimate</u>		<u>Inc./Dec.</u>	
	<u>Perm.</u>	<u>Amount</u>	<u>Perm.</u>	<u>Amount</u>	<u>Perm.</u>	<u>Amount</u>
	<u>Pos.</u>		<u>Pos.</u>		<u>Pos.</u>	
5. Program direction:						
Executive direction and control.....	216	\$10,581	216	\$10,381	...	...
Administrative services.....	181	15,125	181	15,125	...	...
Subtotal.....	397	25,506	397	25,506	...	...
Total.....	9,131	416,726	9,291	426,263	160	\$9,537

<u>Program changes</u>	<u>Perm.</u>	<u>Amount</u>
	<u>Pos.</u>	
Food and Pantry Services.....	...	\$704
This request provides an increase of \$704,000 to fund food costs associated with a projected growth of 1,000 in the inmate population in 1984.		
Medical Services.....	106	2,471
This request provides 22 positions and \$489,000 to expand 24-hour/16-hour medical coverage at select institutions; 70 positions and \$1,573,000 to activate a 105-bed chronic care unit at the Springfield, Missouri Medical Center; 14 positions associated with the housing of Cuban detainees in FFS facilities and \$409,000 to provide medical supplies required due to the projected growth in the prisoner population.		
Other Inmate Services.....	...	139
This request provides an increase of \$139,000 to fund the costs for laundry, writing supplies, etc. for an average daily population of 30,000 as compared to 29,000 in 1983.		
Institution Security.....	54	127
This request provides an increase of 54 positions associated with housing Cuban detainees in FFS facilities, and \$127,000 for security supplies due to the projected increase in the average daily population.		
Contract Community Treatment Centers.....	...	6,096
This request provides \$6,096,000 to provide community residential program bedspace to all eligible releases for an average length of stay of 100 days. The request will fund an average daily population of 2,295 as compared to 1,800 in 1983.		
Total program changes, Salaries and Expenses.....	160	9,537

FEDERAL PRISON SYSTEM, NATIONAL INSTITUTE OF CORRECTIONS
(Dollars in thousands)

	<u>Perm.</u> <u>Pos.</u>	<u>Amount</u>
1982 obligations.....	30	\$11,222
1983 as enacted (appropriation anticipated).....	<u>30</u>	<u>11,050</u>
Uncontrollable increases (see p. 39).....	...	623
Decreases (see p. 39).....	<u>...</u>	<u>-8</u>
1984 base.....	30	11,665
1984 estimate.....	30	11,665

	<u>1984 Base</u>		<u>1984 Estimate</u>		<u>Inc./Dec.</u>	
	<u>Perm.</u>		<u>Perm.</u>		<u>Perm.</u>	
<u>Comparison by activity and program</u>	<u>Pos.</u>	<u>Amount</u>	<u>Pos.</u>	<u>Amount</u>	<u>Pos.</u>	<u>Amount</u>
1. National Institute of Corrections	30	\$11,665	30	\$11,665	...	...

FEDERAL PRISON SYSTEM, BUILDINGS AND FACILITIES
(Dollars in thousands)

	Perm. Pos.	Amount
1982 obligations.....	33	\$14,371
1983 as enacted (appropriation anticipated).....	30	6,667
Uncontrollable increases (see p. 39).....	...	451
Decreases (see p. 39).....	-5	...
1984 base.....	25	7,118
Program increases (detailed below).....	11	90,024
1984 estimate.....	36	97,142

Comparison by activity and program	1984 Base		1984 Estimate		Inc./Dec.	
	Perm. Pos.	Amount	Perm. Pos.	Amount	Perm. Pos.	Amount
1. Planning and site acquisition..	...	...	1	\$6,800	1	\$6,800
2. New construction.....	10	...	12	70,650	2	70,650
3. Modernization and repair of existing facilities.....	15	\$7,118	23	19,692	8	12,574
Total.....	25	7,118	36	47,147	11	90,024

<u>Program Changes</u>	Perm. Pos.	Amount
Planning and site acquisition.....	1	\$6,800
The requested program increase provides resources for the planning and site acquisition of two 500-bed Federal Correctional Institutions in the northeast region.		
New construction.....	2	70,650
The requested program increase provides resources to construct a 500-bed Metropolitan Correctional Center in Los Angeles, California (\$40,000,000) and one of the 500-bed Federal Correctional institutions for which planning and site acquisition is requested.		
Modernization and repair.....	8	12,574
The requested program increase provides resources for 11 modernization and repair projects at 9 institutions (\$4,135,000) and continuation of the conversion of the U.S. Penitentiary at Leavenworth, Kansas.		
Total program changes, Buildings and Facilities.....	11	90,024

FEDERAL PRISON SYSTEM, FEDERAL PRISON INDUSTRIES, INC.
(Dollars in thousands)

	Perm. Pos.	Amount
1982 obligations.....	793	\$149,761
1983 estimate.....	798	154,570
Uncontrollable increases:		
Annualization of 1983 pay increase.....	...	20
Within-grade increase.....	...	127
Health benefits costs.....	...	79
Standard level user charges (SLUC).....	...	12
Federal Telecommunications System (FTS).....	...	21
General pricing level adjustment.....	...	5,734
Decreases:		
One less compensable day.....	...	-137
Non-recurring cost for change in hourly rate.....	...	-62
1984 base.....	798	160,344
Program changes (detailed below).....	10	307
1984 estimate.....	808	160,651

Comparison by activity and program	1984 Base		1984 Estimate		Inc./Dec.	
	Perm. Pos.	Amount	Perm. Pos.	Amount	Perm. Pos.	Amount
1. Administrative expenses.....	42	\$2,710	42	\$2,710	...	...
2. Vocational training expenses..	97	6,613	97	6,613	...	...
3. Industrial operations:						
Cost of production.....	659	129,853	669	130,160	10	\$307
Other expenses.....	...	9,082	...	9,082	...	...
Buildings and improvements..	...	6,831	...	6,831	...	...
Machinery and equipment....	...	5,255	...	5,255	...	...
Subtotal.....	659	151,021	669	151,328	...	307
Total.....	798	160,344	808	160,651	10	307

Program changes	Perm. Pos.	Amount
Industrial operations.....	10	\$307

This request will provide three positions to establish a factory operation at the recently activated Tucson, Arizona Metropolitan Correctional Center, three quality assurance specialists to correct deficiencies at several factories, and four foremen to adequately supervise the additional inmate employees planned due to the projected population increase.

OFFICE OF JUSTICE ASSISTANCE
(Dollars in thousands)

	Penn. Pos.	Amount
1982 obligations.....	281	\$131,200
1983 as enacted (appropriation anticipated).....	257	125,523
Uncontrollable increases (see p. 11).....	...	2,793
Decreases:		
One less compensable day.....	...	-34
Change in hourly rate.....	...	-32
Reduction-in-force.....	-51	-2,174
Reimbursable services to GSA.....	...	-7
Federal Telecommunications System redistribution.....	...	-339
1984 base.....	206	125,735
Program changes (detailed below).....	43	27,124
1984 estimate.....	249	152,859

Comparison by activity and program	1984 Base		1984 Estimate		Inc./Dec.	
	Penn. Pos.	Amount	Penn. Pos.	Amount	Penn. Pos.	Amount
1. Juvenile justice formula grants.	...	\$43,095	...	...	...	-\$43,095
2. Juvenile justice programs.....	...	24,505	...	...	...	-24,505
3. Public safety officers' benefits program.....	...	10,800	...	\$12,500	...	1,700
4. Crime control programs (TASC)...	...	...	...	...	...	...
5. Research, evaluation and demonstration.....	...	18,727	...	18,727	...	...
6. Justice statistical programs....	...	15,407	...	17,107	...	1,700
7. State and local assistance.....	...	...	...	90,000	...	90,000
8. Management and administration...	206	13,201	249	14,525	43	1,324
Total.....	206	125,735	249	152,859	43	27,124

Program changes	Penn. Pos.	Amount
Juvenile justice formula grants.....	...	-\$43,095

This request would eliminate the Juvenile Justice Formula Grant Program. The Administration believes that the major goals of this program have been accomplished. Since juvenile crime mainly impacts State and local agencies, funding for such programs is more appropriate at that level.

OFFICE OF JUSTICE ASSISTANCE
(Dollars in thousands)

<u>Program changes</u>	<u>Perma. Pos.</u>	<u>Amount</u>
Juvenile justice programs.....	...	-\$24,505
<p>Since these programs are really issues facing state and local law enforcement agencies, funding for such programs is also their responsibility. Therefore, no additional funding has been provided.</p>		
Public safety officers' benefits program.....	...	1,700
<p>An increase of \$1,700,000 is requested for the Public Safety Officers' Benefits (PSOB) program. This will assure that funds are available to pay \$50,000 to beneficiaries of officers killed in the line of duty.</p>		
Justice statistical programs.....	...	1,700
<p>The Bureau of Justice Statistics is responsible for collecting, analyzing, and publishing statistical information on crime and the criminal justice system. An increase of \$1,700,000 is requested so that the Bureau can conduct a major longitudinal analysis of Federal Justice Systems, and the quinquennial census of state corrections facilities.</p>		
State and local assistance.....	...	90,000
<p>The proposed State and local assistance activity provides for training, technical assistance and financial assistance to State and local criminal justice agencies for specified types of activities of proven effectiveness which focus on violent and repeat offenders (adult and juvenile). Eighty percent of the funds appropriated are awarded to the States based on population. Formula grant funds are projected on a dollar for dollar ratio. The remaining 20 percent are for training, technical assistance, national scope projects and demonstration programs.</p>		
Management and administration.....	43	1,324
<p>This activity provides the administrative support for all Office of Justice Assistance programs. This includes the ongoing activities of National Institute of Justice, Bureau of Justice Statistics, and State and Local Assistance, as well as, the phase-out of the Juvenile Justice Program. The request represents an increase of 65 positions and \$2,200,000 to support the new State and Local Assistance. This increase is offset by a 22 position and \$876,000 decrease associated with the phase-out of the juvenile justice activities.</p>		
Total program changes, Office of Justice Assistance.....	43	27,124

GENERAL STATEMENT

Mr. NEAL SMITH. Mr. Attorney General, will you proceed in whatever way you prefer?

Mr. WILLIAM FRENCH SMITH. Thank you, Mr. Chairman.

First I want to say publicly what I mentioned to you privately, that we certainly appreciate your support for the appropriation for the drug program that was announced by the President last October and which we are now in the process of implementing. We should be up to full speed with that program by the middle of the summer. All the task forces are now in place, and we are recruiting and putting the people in place, a process which should be finished by summer.

Thank you for the invitation to be here today to testify in favor of a budget for fiscal year 1984 that would enable the Department of Justice to take a giant stride forward in federal law enforcement. This budget proposes nothing less than the funds necessary for a significant escalation in the war on crime by adding \$447 million to the Department of Justice's existing resources and, for the first time in history, by providing the Federal Bureau of Investigation with more than \$1 billion. This budget clearly reflects the President's strong belief that the Federal Government must deploy its considerable talents and resources in the most effective ways possible to halt the spread of crime into American life.

BUDGET REQUEST

Mr. Chairman, I am requesting today a budget of \$3.4 billion for 55,431 positions and 58,249 full-time equivalent work years. That is an increase of 1,346 full-time equivalent work years over the number allocated to the Department in fiscal year 1983. And the dollar amount of the budget represents a 15.3 percent increase over the amount of budget authority expected for the current fiscal year.

Department officials have been and will continue to appear before you to answer specific questions you may have concerning programs under their direction. At this time I would like to dwell on the most notable feature of this budget: its request for resources to deal effectively with crime.

VIOLENT CRIME

Crime in America has become increasingly organized and sophisticated. Organized crime in particular has become especially lucrative because of the enormous profits in the illicit drug business and other unlawful enterprises. Furthermore, as I have indicated on several occasions before this and other Committees, organized crime and drug trafficking spawn violent crime. Violent crime damages and destroys property. It wounds and takes lives. It has forced citizens to stay home for fear of what may strike them on the streets. It has limited the activities of children. Directly or indirectly, violent crime threatens each person and each institution in America.

In 1981, we responded to the growing public concern about crime. I commissioned the Violent Crime Task Force and established Law

Enforcement Coordinating Committees in U.S. Attorneys' districts throughout the nation.

The work of these two groups impressed many observers. Their conclusion was this: that a successful attack on crime requires us to focus on drug trafficking and to get violent offenders off the street.

Accordingly, I directed the FBI to become involved in major drug trafficking cases, and to work together with the Drug Enforcement Administration. Since that time, there have been more than 1100 drug investigations involving the FBI, roughly one-third of which have been joint investigations with DEA. This cooperative venture within the Department also has taught us the vast scope of the illicit drug problem and impressed upon us the need for additional resources if we are to wage a serious war on crime.

Last year, we explained the problem to the President, and he agreed that more funds should be committed to the Department. Two months ago, at the President's request and with the help of your Committee, Congress added a net increase of approximately \$140 million to our budget for fiscal year 1983. Some \$128 million of that underwrites our Organized Crime Drug Enforcement Initiative. The budget now before you for fiscal year 1984 represents the next step toward our goal.

This budget provides funding for our attack on drug-related crime, for extensive new prison and jail construction, and for the large-scale application of modern technology to the Federal justice system. The budget reflects our considered approach of applying resources in a balanced manner across the justice system. Our approach recognizes and supports the interrelationship of the various components of the system, which include investigations, prosecution, corrections and prisons, and Federal assistance to States and localities.

Let me briefly discuss the problems we have identified in the fight against crime and how we propose in this budget to deal with them.

INVESTIGATORS

First, this budget addresses the need for investigators. The budget continues funding for 760 Department of Justice investigative staff who will be participating in regional drug task forces, with funding provided also for an additional 500 investigators and support staff in the appropriations for the Department of Treasury.

PROSECUTORS

Second, this budget addresses the need for more prosecutors. The budget completely funds the 340 prosecutorial staff on the regional drug task forces. These 340 prosecutorial staff, together with the 1,260 investigative staff in the Departments of Justice and Treasury, reflect the President's decision to commit a staff of 1600 persons to fight against drug-related crime. The budget also continues funding the 78 positions obtained last fall for the South Florida Drug Task Force.

FEDERAL PRISON OVERCROWDING

Third, this budget addresses the shortage of space available for incarcerating Federal prisoners. Federal prisons already are overcrowded; they have 23 percent more inmates than their rated bed-space can hold. The problem of insufficient space doubtless will be exacerbated as we increase our investigative and prosecutorial efforts.

Our budget request contains \$96 million for new Federal prison capacity. It requests funds for construction of one 500-bed Federal Correctional Institution in the Northeastern United States. It asks for planning and site acquisition for a second 500-bed FCI in the Northeast, construction of a 500-bed Metropolitan Correctional Center in Los Angeles, an additional 340 bedspaces at existing Federal facilities—780 such bedspaces were funded in 1983—and funds for a number of modernization and rehabilitation projects throughout the Federal Prison System. The budget includes also an additional \$6 million for Contract Community Treatment Centers that would hold eligible Federal prisoners nearing their time for release.

The \$96 million requested here builds on the \$57 million provided for prison construction last fall through a 1982 supplemental appropriation and the 1983 budget amendment requested by the President.

UNSENTENCED PRISONER SPACE

Fourth, this budget addresses the need for more space for Federal prisoners who have yet to be sentenced. It is best if unsentenced Federal prisoners can be kept in facilities located relatively close to Federal courts.

The budget also requests an additional \$10.5 million for the Support of the U.S. Prisoners program. This represents a 31 percent increase over last year. An additional \$10 million is provided through the Organized Crime Drug Enforcement Initiative for the Marshals Service's Cooperative Agreement Program—CAP. The latter goes beyond the \$5 million provided for CAP in the 1983 Organized Crime Drug Enforcement Initiative.

The CAP effort provides State and local detention facilities with funds for equipment, remodeling and, in some cases, construction of more bedspace. This construction takes place upon agreement that a number of bedspaces in local jails will be available for housing Federal prisoners in the custody of the Marshals Service. The CAP effort is critical to reopening the dozens of local facilities that in the past five years have quit offering space, or else offered much less space, for housing Federal prisoners.

AUTOMATED SUPPORT

Fifth, this budget addresses the need for improved technology for the Federal justice system. It includes more than \$175 million in new funding for automatic data processing, data telecommunications, voice privacy radio systems, litigation support systems, and office automation for Justice investigative, prosecutive and litigative activities. This money specifically will assist the FBI, DEA and

the Immigration and Naturalization Service as each enhances its automatic data processing capability. In addition, the funds will facilitate completion of the FBI's Automated Identification Division System. This system will enable us to identify, within 24 hours, fingerprints taken in criminal investigations. As for the voice privacy radio system, it will enable agents in the street to communicate more effectively and securely with one another.

STATE AND LOCAL ASSISTANCE

Sixth, this budget addresses the need to support worthy State and local assistance initiatives. Soon we will be forwarding legislation on this matter. The bulk of the \$90 million we will seek would match dollar for dollar truly effective State and local criminal justice efforts.

INS NATIONAL RECORDS CENTER

Seventh, this budget seeks to improve record keeping by the INS. It includes a \$10 million request for establishment of an INS National Records Center. Inasmuch as INS will be converting to automatic data processing, thanks in part to the \$17 million included in the general request for improved technology that I mentioned earlier, the new center should enable INS to maintain a more accountable and up-to-date records system.

FOREIGN COUNTERINTELLIGENCE

Eighth, this budget addresses the need for an increased foreign counterintelligence capability. We seek more support both for staff and operations in the FBI's Foreign Counterintelligence program. The budget adopts recommendations made by the Director of Central Intelligence to improve the FBI's ability to deal with known and suspected hostile foreign intelligence agents operating within the United States. The budget also recognizes the need for additional FBI staff to counter the intense efforts by hostile foreign intelligence services to gain access to sensitive American technology.

POSITION INCREASES

Last, the budget addresses the need for personnel in key areas by including funds for more than 500 new positions. These are in addition to the positions that will be funded through the Organized Crime Drug Enforcement initiative and the FBI's Foreign Counterintelligence program.

Of these 500 new positions, 185 would be allocated to the FBI. Some 160 of these individuals would implement the Bureau's voice privacy and ADP initiatives. Another 25 would be assigned to a Hostage Rescue Team based in the FBI's Washington, D.C., field office.

Thirty-five other positions would go to the Drug Enforcement Administration. The new positions would be used in the DEA's foreign cooperative investigations, laboratory, ADP, and technical field support programs.

Another 212 positions will be created within the Federal Prison System, the majority in its Medical Services program. And 31 indi-

viduals would be added to the U.S. Marshals Service to provide additional court security under an agreement we reached with the Chief Justice last spring.

The remaining 37 new employees would work in the areas of prosecution and litigation. The Civil Rights Division would have 15 new staff members who are needed to assist our prosecution of criminal civil rights violations and handle the increased workload expected as a result of the 1982 extension and amendment of the Voting Rights Act.

The U.S. Attorneys would be given 32 new positions mainly to help in civil litigation. The Administration plans to maintain the size of the prosecutive staff added by the Congress in 1983 to the U.S. Attorney's Office for the District of Columbia.

PROGRAM DECREASES

The budget does not include funding for juvenile justice grants, state and local drug grants, and the service of private process program in the U.S. Marshals Service. These reductions would save almost \$85 million. The proposed termination regarding the private process program builds upon Public Law 97-462, signed January 12, 1983, which had already effectively minimized the Marshals Service role in that area.

Another proposed reduction would save \$10 million in the INS Detention and Deportation program. In 1982, Congress funded the operation of the Ft. Allen, Puerto Rico, Service Processing Center, which was activated for the Haitian detention effort. Since there is no need for Ft. Allen, the funds for its operation can also be eliminated.

CONCLUSION

Mr. Chairman, I believe our programs promise a highly effective attack on all forms of crime, but especially drug-related and organized crime. This budget will require substantial new expenditures, but the total cost will probably be less than what is spent in one week on illegal drugs in this country. Indeed, it will be less than what is spent in one week on many other federal programs.

On a number of occasions, the President has stated that his commitment to the war on crime, especially in drug trafficking, is unshakable. I share that unshakable commitment. We intend to do what is necessary to end the drug menace and cripple organized crime. This budget will help accomplish just that. It is a comprehensive and carefully crafted budget that will improve law enforcement efforts throughout the Department of Justice. Although the battle cannot be won quickly, I firmly believe it can be won. I ask this Committee to join us in the fight.

Mr. Chairman, that concludes my remarks. I am, of course, ready to answer any question you or the Members of the Committee may have.

CLOSING COMMITTEE HEARINGS

Mr. NEAL SMITH. Mr. Attorney General, first we've got a little Committee matter to take care of.

The Subcommittee hearing with the FBI is scheduled for March the 18th. The hearing of the Secretary of State is scheduled for March 23rd. Both of these hearings involve classified matters and other highly sensitive information. In order to fully explore those matters, we would need, under the House rules, to close the hearings for executive session by a motion and roll call of the Committee prior to that time.

Mr. ALEXANDER. Mr. Chairman, I move the Subcommittee's fiscal 1984 budget hearings with the Secretary of State and the Director of the Federal Bureau of Investigation be held in executive session.

Mr. O'BRIEN. Seconded.

Mr. NEAL SMITH. Call the roll.

Mr. OSTHAUS. Mr. Smith.

Mr. NEAL SMITH. Aye.

Mr. OSTHAUS. Mr. Alexander.

Mr. ALEXANDER. Aye.

Mr. OSTHAUS. Mr. Early.

Mr. EARLY. Aye.

Mr. OSTHAUS. Mr. Dwyer.

Mr. DWYER. Aye.

Mr. OSTHAUS. Mr. Mrazek.

Mr. MRAZEK. Aye.

Mr. OSTHAUS. Mr. Carr.

[No response.]

Mr. OSTHAUS. Mr. Whitten.

[No response.]

Mr. OSTHAUS. Mr. O'Brien.

Mr. O'BRIEN. Aye.

Mr. OSTHAUS. Mr. Miller.

Mr. MILLER. Aye.

Mr. OSTHAUS. Mr. Porter.

Mr. PORTER. Aye.

Mr. OSTHAUS. Mr. Conte.

[No response.]

FEDERAL PRISON OVERCROWDING

Mr. NEAL SMITH. Mr. Attorney General, you made several references to the problem of the prison system, and I believe you said that we have 23 percent more prisoners in the system than there is capacity for at the present time.

What is the solution to this? Is it just to build more prisons?

Mr. WILLIAM FRENCH SMITH. As a matter of fact, I think we have to tackle that problem from a variety of angles. Certainly one is more prisons.

Two years ago we were just about at capacity. Now we are 23 percent over capacity and growing about, I think it is 1 percent a month at the present rate.

In view of the fact that there has been a toughening in the law enforcement area, Federal and State as well, that problem is going to continue.

We have provided in this budget some \$96 million for additional prisons and additional space, through expansion and renovation. The problem, with the current court congestion, is one that could

reach very, very significant proportions if something isn't done about it.

We are looking at the approach of halfway houses and minimum security facilities. Also, I just recently delivered a speech at Vanderbilt University on the question as to whether or not we shouldn't look very closely at other forms of punishment.

Those that are most frequently mentioned——

Mr. NEAL SMITH. Isn't it about time we separate violent criminals and nonviolent criminals?

Mr. WILLIAM FRENCH SMITH. This is part of the same effort.

In other words, should we concentrate on incarcerating those who are guilty of violent crimes, and finding other ways of dealing with nonviolent crimes. It is not an easy line to draw. As a matter of fact, it is a very difficult line to draw.

We certainly do not in any way want to indicate that in doing this that we are, for example, looking upon white collar crime with any less seriousness than before, but we do have to look at other approaches.

One way, as you know, that we are trying to help the States, is by making available to them abandoned Federal facilities of one kind or another. That program is working reasonably well.

We have a bill pending here on the Hill which is designed to permit us to do this without charging the States. Right now we have to sell or lease. We can't loan or give.

Mr. NEAL SMITH. Well, Mr. Early especially, and other Members of the Committee, have been interested in the Federal Prison System, using some of these facilities, too. Can't we use more of them instead of building new ones?

Mr. WILLIAM FRENCH SMITH. That is a possibility. Indeed, it is a possibility, and actually, we have been looking at a couple of sites, and are at the present time. Even sometimes there are abandoned educational facilities that can be converted and used.

NORTHEAST FEDERAL PRISONS FACILITY

Mr. NEAL SMITH. How much is the 500-bed facility in the northeast, anticipated to cost?

Mr. ROONEY. \$34 million.

Mr. NEAL SMITH. \$34 million; that is \$68,000 per bed. Can we afford to spend \$68,000 per bed for prisoners? We don't spend that much for people who obey the law.

Mr. WILLIAM FRENCH SMITH. Of course, that is just the capital investment. You also have the matter of operation and maintenance.

Mr. NEAL SMITH. Yes.

Mr. WILLIAM FRENCH SMITH. And I think that \$68,000 sounds a little low. It could be higher.

Mr. NEAL SMITH. Surely prisons can be built for less than \$68,000 per person, can't they?

Mr. WILLIAM FRENCH SMITH. It is hard to know. This, of course, is a pretty expensive type of construction.

Mr. NEAL SMITH. Does it have to be that expensive?

Mr. WILLIAM FRENCH SMITH. You have maximum security, then intermediate security, and minimum security. Minimum security is vastly cheaper.

Mr. NEAL SMITH. What kind of security is this one for \$68,000? What is that going to be like?

Mr. WILLIAM FRENCH SMITH. I think that is intermediate.

Mr. NEAL SMITH. Intermediate or average type, isn't it?

Mr. WILLIAM FRENCH SMITH. That is right. The figure that I have in mind for maximum security, I think, is about \$80,000, or close to \$80,000 per bed.

Mr. NEAL SMITH. There has got to be a way of doing it for less than that. I just don't see how we are ever going to build all the prisons that they say we are going to need, if we are going to spend that kind of money per prisoner. I just don't see how we can do it. And then, of course, you've got to build them in such a way so that it doesn't cost more than is necessary to operate them.

How about closed-circuit TV; have you tried that?

Mr. WILLIAM FRENCH SMITH. Very much so.

Mr. NEAL SMITH. How is that working?

Mr. WILLIAM FRENCH SMITH. Norm Carlson, our director of prisons, is quite enthusiastic about that.

Mr. NEAL SMITH. I just don't understand why, if you have fairly small cells or rooms with closed circuit TV, so that one guard can watch a lot of people like they do in other places, why we have to spend that amount of money.

Mr. ROONEY. Mr. Chairman, if I may, some of our experience with building some of the detention facilities for the nonviolent type people has been for lesser amounts, lesser average costs. Certainly you could have a higher capacity. And essentially the problem here is in developing the security, yet keeping the number of people within that institution at a reasonably acceptable level.

Now, a 500-bed facility probably with overcrowding, the type of overcrowding we have today, could go up to 700, 800, 900, even 1000 with double bunking, which would not be ideal by any stretch of the imagination. But the constraint, of single cells and high security raises the average cost per bed.

Mr. NEAL SMITH. I know that it isn't necessarily a comparable situation, but you know for 75 years hospitals had to have two people in a room, and they had all kinds of excuses why you had to have two people in a room. It would be more expensive to have one in a room. Now suddenly they tried a few with one in a room and that didn't cost any more; they just made smaller rooms. In many ways it is easier to take care of them because you don't have to worry about one coming in while the other one is going out, and how sick one is and all those kinds of things. You can give individual attention to them.

We have had this question before the Committee for several years, and, requests for prisons were turned down two or three times just because the cost is too high. There is no way you can satisfy all these requirements and spend that kind of money per unit. Somehow we've got to design something that costs less per bed, or else maybe take over some of the Army facilities or some facilities somewhere or another. I just don't see how we can do it at this kind of rate.

Mr. WILLIAM FRENCH SMITH. As you know, we have many, many facilities of the kind that you are talking about, minimum security.

Mr. NEAL SMITH. Right.

Mr. WILLIAM FRENCH SMITH. Lompoc is a good example of that. And those facilities are much cheaper to build and they are much cheaper to operate.

Certainly we have to place a good deal of emphasis on that kind of incarceration. I think what is required is more focusing on the problem, although I will certainly have to say that I think the Federal Prison System is generally recognized as being the model prison system in the country, and is extremely well run.

I know that Norm Carlson is well aware of this problem. He has to be.

Mr. MILLER. Mr. Chairman, would you yield at that point?

Mr. NEAL SMITH. Yes.

JOBS BILL

Mr. MILLER. This would fit in. We have the Jobs Bill before us, and in that bill there would be some money that would be allocated to the local political subdivisions, whether it be a county or a city, for funds if they house Federal prisoners.

Is that taken into consideration, perhaps then we would not need as many new Federal prisons?

Mr. WILLIAM FRENCH SMITH. Yes, indeed, that is a subject of rather substantial discussion and concern.

Actually, we have had some problems recently—we, the Federal Government—because of overcrowding in the State and local prisons. The spaces have not been available, and we have denied cells for pre-trial detention purposes.

Los Angeles is a good example of that. For years we have had arrangements with the county to house people in that category, but their situation has reached the point now where they have terminated their contract with us. That means that we now have to transport prisoners from as far away as Terminal Island.

Los Angeles is an area where we can correct that situation, and that is part of the proposal here. But there are other areas where it is not feasible for us to put up a Federal prison. As a result, in those areas we really have to rely on State and local facilities, and when it gets tight there, we have major problems.

A good example of that is Las Vegas where we actually have had to transport Federal prisoners from as far away as San Diego. The problems are continuous and they are strenuous and they are definitely tied in with State and local facilities.

Mr. MILLER. Thank you.

Thank you, Mr. Chairman.

LOS ANGELES METROPOLITAN CORRECTIONAL CENTER

Mr. NEAL SMITH. The center at Los Angeles is a 500-bed center in your proposal. How much does that cost overall?

Mr. ROONEY. \$40 million.

Mr. NEAL SMITH. That is \$80,000 per bed.

Mr. WILLIAM FRENCH SMITH. Of course, that is somewhat different because it is, in effect, downtown. I suspect, although I haven't really looked into it, construction costs there are relatively high.

Mr. ROONEY. And the land acquisition.

Mr. WILLIAM FRENCH SMITH. I think the need there is probably one of the greatest anywhere in the country.

ALTERNATIVE FORMS OF PUNISHMENT

Mr. NEAL SMITH. You mentioned the possibility of some alternate type of penalty for nonviolent criminals. Are you making a proposal on this or are you in the process of thinking one up?

Mr. WILLIAM FRENCH SMITH. Well, in a speech that I mentioned, we suggested what some judges have already been doing themselves, having in mind the problem of jail space: remedies such as community service, restitution to victims, and other kinds of punishment which would not involve incarceration at all. It would involve other kinds of activities.

That, of course, would have to be tailored to the degree of seriousness of the crime, but that is a possibility, and it has been followed in some cases by judges already.

Mr. NEAL SMITH. Of course, couldn't a lot of this be done by the U.S. attorneys? A district attorney looks at the criminal and determines whether or not they are apt to repeat, whether or not it was a violent crime, whether or not they are violent type persons, and they determine whether or not the sentence fits that particular person.

In the process of prosecuting a case or processing a case, why, they have an opportunity to permit going to the judge with the defendant's attorney and making a proposal. Could they take care of a lot of this in the process?

Mr. WILLIAM FRENCH SMITH. I believe a good deal of that is going on right now. It is certainly going on in the form of plea bargaining, among other things, and this is the kind of discretion—although discretion needless to say, is somewhat limited, nevertheless it is there. My understanding is that it is—

Mr. NEAL SMITH. Is there enough of it going on, in view of the fact that the prisons are overloaded? People still have the impression, I think, that we are not being tough enough on violent prisoners and possibly using too many of our resources for nonviolent prisoners.

Mr. WILLIAM FRENCH SMITH. This is the other side of it. There is no question that there is a great deal of public concern in this area.

IMMIGRATION REFORM LEGISLATION

Mr. NEAL SMITH. What about the immigration reform legislation; are you putting that high on the list again this year?

Mr. WILLIAM FRENCH SMITH. That is very high on our list. We think that is a program which should receive top priority as far as Congress is concerned.

Mr. NEAL SMITH. You are supporting the same legislation you supported last year?

Mr. WILLIAM FRENCH SMITH. Yes, essentially the same bill which passed the Senate, as you know, 80 to 19. We think that that bill

represents a very good balance of all of the interests that are involved.

Of course, it is the kind of a program made up of so many elements, and each of those elements affect different people differently, so that you have a long-term public interest measure which is involved with a whole host of short-term special concerns. It makes it difficult to enact, but we got it down to the one-yard line last session and we hope to be able to push it over in this one.

Mr. NEAL SMITH. Some people are afraid we are going to have a whole flood of refugees from Central America. Are we prepared for it?

Mr. WILLIAM FRENCH SMITH. We are preparing for it. We don't know whether that is likely to happen or not. We certainly have seen an increase in apprehensions along the Mexican border, generally attributed to the economic conditions there.

We are in the process of—

Mr. NEAL SMITH. We have never really gotten a big flood, though, from Guatemala, Honduras, El Salvador and that area?

Mr. WILLIAM FRENCH SMITH. Not in terms of the Mariel boatlift, no, but we have a program in place which is designed to deal with that situation, should it happen again.

We have just approved a site in Oakdale, Louisiana, for a detention center, one of the principal purposes of which would be to anticipate this kind of activity.

PRESIDENTIAL COMMISSION ON ORGANIZED CRIME

Mr. NEAL SMITH. You are requesting money for a Presidential Commission on organized crime. What would be the purpose of that commission?

Mr. WILLIAM FRENCH SMITH. The purpose of that commission is to deal with the organized crime problem by focusing public attention on it, by investigating its activities, much along the lines of the old Kefauver and McClellan committees. This would, for the first time in a long, long time, put a public spotlight on the insidiousness of this type of crime and on the organizations that are responsible for it.

They would investigate not only the traditional forms of organized crime, the Mafia and so on, but also new forms of organized crime such as the motorcycle gangs and, the prison gangs.

Mr. NEAL SMITH. Would they have subpoena power?

Mr. WILLIAM FRENCH SMITH. That decision would have to await the appointment of the commission—but we would anticipate the possibility of asking Congress for subpoena power. We think that would be an important part of its functioning.

JUVENILE JUSTICE PROGRAM

Mr. NEAL SMITH. You have proposed again to zero out the juvenile justice program. I assume from your statement and your materials that you are assuming that State and local governments will take this over; is that correct?

Mr. WILLIAM FRENCH SMITH. That original money was designed for, in effect, seed money to get the program started. We think that

has been done and that the responsibility for that and the functioning of it should be turned over to the States and localities.

Mr. NEAL SMITH. Is there any reason to think the States are about ready to accept that responsibility?

Mr. WILLIAM FRENCH SMITH. I don't think it is possible to generalize on that. It depends a good deal on the States, and the particular circumstances.

STATE AND LOCAL DRUG GRANTS

Mr. NEAL SMITH. Also, we provided money for State and Local Drug Grants, and you are proposing to end this program. Is that program working well in some places?

Mr. WILLIAM FRENCH SMITH. It is working well in some places, and in some places it is not.

Mr. NEAL SMITH. Can't we do something to get those places where it is not working to work better, instead of eliminating the ones that are working well?

Mr. WILLIAM FRENCH SMITH. We are not proposing eliminating them. This is again essentially a State and local activity. They are, in effect, sponsored by the States, and we have relatively little supervision over those groups.

That we are in effect providing money to private groups is what it amounts to, although it is obviously of the public flavor, and we think that that is really not our responsibility. We don't control it, and we think that, to the extent that it is working well in those areas——

Mr. NEAL SMITH. Isn't drug use really so bad that it is almost a national problem? Isn't it almost a national responsibility?

Mr. WILLIAM FRENCH SMITH. Indeed it is, but this particular activity is not, in effect, being run by the Federal Government. It is being run by other groups, as I say, over which we have very little control.

It helps in varying degrees State and local efforts, and we think that is where it ought to be centered.

SPEECH AT VANDERBILT UNIVERSITY

Mr. NEAL SMITH. Mr. Alexander.

Mr. ALEXANDER. Thank you, Mr. Chairman.

Welcome, Mr. Attorney General. As a graduate of Vanderbilt University Law School, I would be pleased to receive a copy of the speech that you made down there.

Mr. WILLIAM FRENCH SMITH. I would be happy to send it to you.

Mr. ALEXANDER. As a former assistant D.A., I am very much sympathetic with the difficulty that you have in providing discipline for violators of the law. I voluntarily stopped being a D.A. because I thought we were putting the wrong people in jail. And, I ultimately got in politics, I guess, so I could do something about it.

We've got a lot of people on this Committee that are worried about that.

I would like to pursue another line of questions with you.

REGISTRATION OF FOREIGN PROPAGANDISTS

Mr. Attorney General, I am interested in chapter II, title 22, United States Code, the chapter which requires registration of foreign propagandists, and the action of the Department of Justice to require certain Canadian films to be labeled and subsequent warnings issued thereto.

I am not very familiar with the requirement in the law for registering foreign agents. I think it is a good idea. There might be some activities which foreign agents, would engage in to subvert the interests of our country and there is a problem keeping up with them.

But just this morning I read this statute, and it appears to me to be deserving of some inquiry. I would like to pursue that with you.

As I understand the law, just from a cursory reading of it, it requires foreign agents to register, and it further requires the labeling of political propaganda, political propaganda being subject to the definitions that are set forth herein. I would like to go into that a little bit.

First of all, I would like to ask you if the action taken against the three Canadian films, two on the subject of acid rain and one on the subject of nuclear war, taken under the authority of the Attorney General, was done under Chapter II, Subchapter 2 of Title 22 of the U.S. Code.

Mr. WILLIAM FRENCH SMITH. I can't specifically cite the particular provision.

Mr. ALEXANDER. You can cite it later.

Mr. WILLIAM FRENCH SMITH. The action that was taken by the Department of Justice was action that was necessary and had to be taken under the act. It does not involve labeling any political propaganda.

In fact, under that act, the Department of Justice has very little discretion to exercise at all, because the definition of political propaganda is anything, such as a film, that is made by an agent of a foreign government which is designed to influence a segment of the United States population.

Well, good grief, under that kind of a definition, which in 1938 called political propaganda, there isn't the slightest doubt that each of these three films comes within that definition. But despite the fact it comes within that definition, that still does not mean that the Department of Justice in any way, shape or form censors, labels, designates or deals with the substance, whether good or bad, of that film.

All that act requires is that, under those circumstances, it has to be designated that that film was produced by an agent of a foreign government. In a very real sense, you can say what is truth in packaging.

Mr. ALEXANDER. What kind of label do you put on it? I am not familiar with your designation.

Mr. WILLIAM FRENCH SMITH. I don't have the text here. We can certainly send it to you, but it is a totally neutral designation which in effect says that this film was produced by so and so. And the fact that it is registered with the United States Government

does not mean that the United States Government endorses it, or whatever the term is. It is completely neutral.

Mr. ALEXANDER. If the government endorsed something, nobody would want to look at it.

Mr. WILLIAM FRENCH SMITH. That is quite possible.

Mr. ALEXANDER. But if you say "don't do it," then everybody wants to see it.

Mr. WILLIAM FRENCH SMITH. Actually this act has been enforced in exactly the same way for 30 or 35 years.

GENERAL QUESTIONS REGARDING REGISTRATION

Mr. ALEXANDER. Let me ask you a couple of general questions about it. I don't have time to go into it in-depth today, but I would like to begin an initiative which would clear up some questions.

You say it is mandatory that you have to label these films that come in as propaganda. How do you in your mind decide what is propaganda and what isn't?

Mr. WILLIAM FRENCH SMITH. We don't decide that.

Mr. ALEXANDER. How do you decide which ones to label?

Mr. WILLIAM FRENCH SMITH. All our people do is to decide whether or not this film is designed to influence any segment of the American population.

Mr. ALEXANDER. And what action do you take when you make that decision, which is mandatory in your mind?

Mr. WILLIAM FRENCH SMITH. Once that determination has been made, then in the case of a film, this disclaimer has to be put on the film.

Interestingly enough, this has been done, and it has been done with the Canadian Film Board in the past, and in this particular case the Canadian Film Board had no objection to it.

As a matter of fact, there was an exchange of some eight letters, during which this was all worked out, and not once did they have an objection to it. The objection came from some extraneous source.

Mr. ALEXANDER. The Canadians are probably not as worried about the protection of our Constitution as we are, and the interpretation of those provisions.

Mr. WILLIAM FRENCH SMITH. I will have to say this: If anyone has any concern about the Constitutional aspects of this, that concern should be addressed to the Congress and not to the Department of Justice.

Mr. ALEXANDER. That is what we are here for today.

Mr. WILLIAM FRENCH SMITH. The Department of Justice has no other alternative but to enforce the law as it is. If that law should be changed, then Congress is going to have to change it.

Mr. ALEXANDER. We might do that, but first we have to find out——

Mr. WILLIAM FRENCH SMITH. We haven't taken any position on that.

Mr. ALEXANDER. First we have to decide why it is you are doing what you are doing.

I am not saying it is wrong, I am not saying it is right; I am just interested in——

Mr. WILLIAM FRENCH SMITH. What it is——

Mr. ALEXANDER. What you are doing and why you are doing it.

Mr. WILLIAM FRENCH SMITH. That is fair enough.

Mr. ALEXANDER. You say that it is mandatory that you take these actions; once you discover a film that is designed to influence public opinion, that you put a disclaimer on it. What is the gist of that disclaimer?

Mr. WILLIAM FRENCH SMITH. The gist of it simply is that it designates who produced it. In other words, it is produced by a foreign government.

We talk about Canada and acid rain, but the statute also deals with films produced by the Union of South Africa dealing with race relations, or Japan sending in something here dealing with Buy America legislation.

I think that you could certainly make a very good case that the American public is entitled to know when that kind of film is produced, and who produced it. And really that is all that is being done here in terms of the disclaimer: advising the American public who produced it.

Mr. ALEXANDER. I remember reading earlier that the act includes a provision that designates the films as propaganda. Under the law, it says here propaganda, and they are required to furnish the Department with the names of individuals and organizations who have requested to see the films.

Mr. WILLIAM FRENCH SMITH. Political propaganda is a term that is used in the statute. It nowhere appears on the disclaimer.

The disclaimer merely designates who produced it and the fact that the United States Government does not necessarily endorse it. I can send you that language.

Mr. ALEXANDER. It is here in the statute.

Mr. WILLIAM FRENCH SMITH. In terms of reporting, under the forms that have been in existence for at least 20 years, as I understand it, what is required in the case of a film is a record of those who receive more than 100 copies or the theaters in which it was shown, and the dates on which it was shown, and the estimated attendance.

Mr. ALEXANDER. Do you keep records on who sees it, the number of people and all that sort of thing?

Mr. WILLIAM FRENCH SMITH. Well, these reports come in. I assume they are filed. Interestingly enough, the people who are most interested in these filings by far are the news media. They are the ones who look at these records that come in, more so than any other source.

Mr. ALEXANDER. Any time the government says "don't do something," you know everybody is going to want to do it.

Mr. WILLIAM FRENCH SMITH. This is during the last 30 or 40 years, when none of this had reached any degree of popular attention.

LABELING OF MATERIALS

Mr. ALEXANDER. My time is limited here, but just a couple of general questions.

Does your so-called labeling as propaganda of foreign information—

Mr. WILLIAM FRENCH SMITH. We don't label it as propaganda.

Mr. ALEXANDER. It says here you do, under the law.

Mr. WILLIAM FRENCH SMITH. Well, we don't.

Mr. ALEXANDER. What do you label it as?

Mr. WILLIAM FRENCH SMITH. The law defines what we have to do. We do not label a film or anything else, anything insofar as its merits.

We merely make the judgment—this is the only area of discretion we have—we make the judgment as to whether this film is designed to influence a segment of the American public. That is it.

Now, if it is designed to influence—we don't care what direction, how much, how heavily, whether it is plus, minus, good, bad or indifferent—if it is designed to influence, then we have to say, "You have to put a label on there."

Mr. ALEXANDER. The law says that is propaganda.

Mr. WILLIAM FRENCH SMITH. That is what the law says.

Mr. ALEXANDER. You are the chief enforcer of the law of the United States.

Mr. WILLIAM FRENCH SMITH. That is right.

Mr. ALEXANDER. And therefore you have to follow the law.

Mr. WILLIAM FRENCH SMITH. That is right. That is what we do.

Mr. ALEXANDER. It is propaganda when you designate it as such, is it not?

Mr. WILLIAM FRENCH SMITH. Well, we are talking about semantics now.

Mr. ALEXANDER. According to the law, it is propaganda.

Mr. WILLIAM FRENCH SMITH. We have to make that determination. That is a different thing from what you put on the film. You have to make a judgment.

Mr. ALEXANDER. You exercise the judgment that it is propaganda, it is propaganda according to the law, when you make the judgment as to whether or not it influences the American people.

Mr. WILLIAM FRENCH SMITH. We reach conclusions based upon facts. But the distinction I am trying to make is there is a difference between making that judgment and what you put on a disclaimer.

Mr. ALEXANDER. I understand that.

Mr. WILLIAM FRENCH SMITH. We do not call it propaganda or anything else. That is a very important distinction, because obviously the press and a lot of Congressmen have gone out half-cocked on this subject.

Mr. ALEXANDER. The American people have the ability to link these two facts together. They are not isolated facts.

Mr. WILLIAM FRENCH SMITH. Apparently the press didn't have the ability when this first came to light.

Mr. ALEXANDER. I am not talking about the press. I am interested in what you think and what you are doing, how you go about it.

Now, does the Department of Justice review any materials other than films, like speakers, for example, or people?

Mr. WILLIAM FRENCH SMITH. No. As I understand it, it is just material. It doesn't have to be a film. It could be other means of communication as defined in that statute.

Mr. ALEXANDER. Suppose an individual comes to this country for the purpose of influencing people on various subjects, as is

common. How do you keep up with and monitor the activities of this person?

Mr. WILLIAM FRENCH SMITH. Have in mind that this material has to be produced by an agent of a foreign government. If an agent of a foreign government is not involved, then this provision wouldn't be applicable at all.

Mr. ALEXANDER. But someone who comes here to make speeches to influence people, is he judged to be an agent of a foreign government?

Mr. WILLIAM FRENCH SMITH. Of course, the act defines what an agent of a foreign government is, and I couldn't speak ultimately as to a given situation without having all the facts.

Mr. ALEXANDER. In general, does the scope of this act, as you administer it, include subjects other than films?

Mr. WILLIAM FRENCH SMITH. Yes.

Mr. ALEXANDER. And what are those subjects?

Mr. WILLIAM FRENCH SMITH. I would have to review the statute before I could give you a decent answer on that. Whatever the statute says is what we do.

RESOURCES TO ENFORCE STATUTE

Mr. ALEXANDER. The statute is very general, as you say. If I had time, I would read it all here.

I want to ask about two more points, Mr. Chairman. I guess I am going to miss this vote. It is important for me to make the vote, but I want to clear up two questions I have here.

How much of the budget of the Department of Justice is allocated for the purpose of enforcing this statute? Do you have a department or bureau that is involved in this?

Mr. WILLIAM FRENCH SMITH. Yes. There is a division. I don't know how many people.

Mr. ROONEY. I am not sure. There is a small unit in the Criminal Division.

Mr. ALEXANDER. Can you provide that?

Mr. ROONEY. We can provide that.

[The information follows:]

ORGANIZATIONAL RESPONSIBILITY FOR REGISTRATION OF FOREIGN PROPAGANDISTS

Within the Criminal Division's Office of Internal Security, the Registration Unit is responsible for enforcing the Foreign Agents Registration Act. The Unit is presently composed of 17 personnel: 5 attorneys, 3 auditors, 3 paralegals, 1 investigator and 5 secretaries. All 17 individuals in the unit are located in Washington, D.C.

The Registration Unit's fiscal year 1983 budget allocation is \$878,000 which is 2.4 percent of the Criminal Division's total budget of \$36.446 million. For fiscal year 1984, the budget is \$934,000 which is 2.3 percent of the Criminal Division's total budget of \$40.130 million.

EXEMPTIONS TO THE STATUTE

Mr. ALEXANDER. Inquire and submit to us the number of people and the designation of the budget, the part of the budget that goes for that purpose, together with the scope of your enforcement.

This is a collateral matter, I suppose, and I am not representing anybody but my own interests here today, but the statute does provide for some exemptions.

Mr. WILLIAM FRENCH SMITH. That is right.

Mr. ALEXANDER. One of the exemptions, if I can find it right quick, is countries and agents thereof which are considered "the defense of which the President deems vital to the defense of the United States". Would not Canada come under this exemption?

Mr. WILLIAM FRENCH SMITH. I really couldn't answer that.

Mr. ALEXANDER. They are a member of NATO?

Mr. WILLIAM FRENCH SMITH. I couldn't answer that.

Mr. ALEXANDER. They are a partner in the Northern American Defense Command. They were our allies in the last five wars.

Mr. WILLIAM FRENCH SMITH. I wouldn't be in a position to respond to that.

Mr. ALEXANDER. Again, I am not representing Canada. I am just curious why you enforce part of the law as vigorously as you do, and you ignore the exemptions.

Mr. WILLIAM FRENCH SMITH. We do not ignore the exemptions. We apply that law as written, and as we are required to do.

Mr. ALEXANDER. Then I would ask you the question why is Canada not exempt under this provision?

Mr. WILLIAM FRENCH SMITH. I just can't answer that question. I am not in a position to answer that question.

Mr. ALEXANDER. Would you like to do that for the record?

Mr. WILLIAM FRENCH SMITH. We will certainly be glad to look into it.

Mr. ALEXANDER. Would you supply me with that answer?

Mr. WILLIAM FRENCH SMITH. I would be glad to.

[The information follows:]

EXEMPTION FOR ALLIES

Section 3(f) of the Foreign Agents Registration Act provides an exemption for an agent whose foreign principal is a government of a foreign country and the defense of which the President deems vital to the defense of the United States. Rule 305 (28 C.F.R. 5.305) provides that this exemption is not available unless the President has designated the country by publication in the Federal Register.

This exemption was promulgated in 1942 after President Roosevelt perceived that the new provisions of the Foreign Agents Registration Act requiring registration by agents of U.S. allies would significantly impede the allied war efforts. The exemption itself imposes certain disclosure requirements.

On September 30, 1946, President Truman withdrew from consideration all countries previously designated as entitled to the section 3(f) exemption. No countries have been designated by any President since that date.

Mr. ALEXANDER. Thank you.

Thank you, Mr. Chairman.

Mr. NEAL SMITH. Mr. Early?

Mr. EARLY. Thank you, Mr. Chairman.

1983 BUDGET REDUCTIONS

Mr. Attorney General, last year Members of the Committee, especially myself, had some criticism of the budget reductions you had in the Department of Justice. You told this Committee that, "Economic conditions continue to require us to consider solutions which do not rely on merely spreading federal funds to solve the crime problem." Have economic conditions changed so much that we can now justify spending half a billion dollars more?

Mr. WILLIAM FRENCH SMITH. No, I think we have to do both.

CLOSING OF HALFWAY HOUSES

Mr. EARLY. Let me address the prisons. Last year some of the cuts we made included closing halfway houses, closing those facilities in which prisoners serve the last 90 days of a six month or less term. I thought closing halfway houses was a bad decision. From your remarks I gather that you are going to try to re-open some of them?

Mr. WILLIAM FRENCH SMITH. I don't remember testifying last year to closing down halfway houses.

Mr. EARLY. We closed some facilities. In Massachusetts, I think the funding for one or two in Lawrence and that area was reduced tremendously, so that they couldn't take as many people who were about to go out on the street.

Mr. WILLIAM FRENCH SMITH. Actually there is always a certain amount of that going on just as part of administering any prison system, but the fact is we have to do both. We have to find ways to do what we are doing better with no additional funds; and then we have determined that additional funds could be very valuable in certain areas, and that is responsible for the increases that we have here in this budget.

Mr. EARLY. Mr. Attorney General, we certainly have to do things better in this area and I think it has to be a joint effort. We are not on opposite sides here.

Mr. WILLIAM FRENCH SMITH. That is right.

USE OF MILITARY INSTALLATIONS FOR FEDERAL PRISONS

Mr. EARLY. On the prisons, and referring to Chairman Smith's questions, I can't follow your logic at all. These are questions I have asked for the last nine years. Regarding acquisitions, we have military installations all over the country. I have forgotten whether they have to have 150,000 acres of land or 50,000 acres of land, but they must have surplus land. Why don't we build our federal prisons on military installations?

Mr. WILLIAM FRENCH SMITH. I don't know—this is somewhat academic, but we had a little experience here with respect to trying to locate detention centers, and whenever any locality—and I suspect this would be true in yours—discovers that somebody is about to build a detention center, to say nothing about a prison, anywhere in their area, there are flack and objections and complaints.

Mr. EARLY. I absolutely agree with you. Everyone objects, but we have to do something. If we are going to build a prison, why not put it on our own property? Why do we have to pay money to acquire property when we have built-in protection on military bases? We can go back, Mr. Attorney General, before you were here, to Fort Dix. The Defense Department had a \$5 million facility, they had everything except prisoners, and the Pentagon wouldn't give it up. It was built as a maximum security prison for four or five hundred prisoners. They went four years without housing more than 38 prisoners. We finally forced them, and it took years, to turn the facility over to the State of New Jersey. We have to do that type of thing.

Why, when we build prisons, do we have to have new architectural plans for every new prison? Can't we choose the best prison built in the last 10 years and then use or modify its design?

Mr. WILLIAM FRENCH SMITH. I think that is an excellent suggestion. That is something that we have certainly been considering. I think it is an excellent suggestion, to have a master architectural plan so you don't have to go through that with each one.

Now, it is true that every site, regardless of how similar it may appear, has its differences.

Mr. EARLY. Minor differences.

Mr. WILLIAM FRENCH SMITH. But I think that a good deal quite possibly could be accomplished through that kind of approach.

NORTHEAST FEDERAL PRISON FACILITIES

Mr. EARLY. I do, too. Tell me, where would the two new facilities in the Northeast be located?

Mr. WILLIAM FRENCH SMITH. The location in the Northeast has not yet been decided.

Mr. EARLY. You are requesting two of them.

Mr. WILLIAM FRENCH SMITH. There may be two, so far as I know.

Mr. ROONEY. Yes, there would be two.

Mr. EARLY. Why don't we look at a military base?

Mr. WILLIAM FRENCH SMITH. That is certainly quite a possibility. That certainly is not ruled out.

Mr. EARLY. Please stay out of my district.

Mr. WILLIAM FRENCH SMITH. That is right. You made my point.

Mr. EARLY. But you are going to get that reaction no matter where you go.

Mr. WILLIAM FRENCH SMITH. We have found that out.

Mr. EARLY. If it is built in my district, it is built in my district, but for goodness sake, we have got to put them somewhere. Put them on the military installations. The Pentagon won't want them. They don't want any money on the base that they don't control, so they will give the property to you.

TURNOVER OF SURPLUS FEDERAL PROPERTIES

How successful was our program, announced last year, to turn over surplus Federal properties to States for use as jails and prisons?

Mr. WILLIAM FRENCH SMITH. Quite successful.

Mr. EARLY. Give me an example, Mr. Attorney General.

Mr. WILLIAM FRENCH SMITH. Well, I could give you five. We have actually turned over five facilities to the States.

Mr. EARLY. Where? To which States?

Mr. WILLIAM FRENCH SMITH. One is Watertown in New York.

Mr. EARLY. Watertown, New York?

Mr. WILLIAM FRENCH SMITH. Yes.

Mr. EARLY. What was on the property, Mr. Attorney General?

Mr. WILLIAM FRENCH SMITH. That was an abandoned Air Force radar base, I guess.

Mr. ROONEY. It was an abandoned Air Force base.

Mr. WILLIAM FRENCH SMITH. An Air Force base.

Mr. EARLY. Why wouldn't that have been an ideal site for one of these Northeast prisons?

Mr. WILLIAM FRENCH SMITH. Actually, the State needed it worse than we did at the time that this happened. It was a real plus for New York.

Mr. EARLY. If you give it to a State, that is fine because they have the same types of problems. What other facilities have been turned over to States?

Mr. WILLIAM FRENCH SMITH. Fort Dix, New Jersey.

Mr. EARLY. Do you know how tough that was, Mr. Attorney General?

Mr. WILLIAM FRENCH SMITH. Yes, that was not easy.

Mr. EARLY. This Committee got that done.

Mr. WILLIAM FRENCH SMITH. However, let me say, as I said earlier—

Mr. EARLY. Tell me about the other three facilities. You said five sites were turned over to States.

Mr. WILLIAM FRENCH SMITH. We have got five, and we have three that are under negotiation.

Mr. EARLY. Give me the other three of the five.

Mr. WILLIAM FRENCH SMITH. I will be glad to get those for you. [The information follows:]

SURPLUS FACILITIES TRANSFERRED TO STATES

The five surplus facilities which have been transferred to the states via the Department's Clearinghouse are:

1. Watertown, New York—an Air Force Radar Range.
2. Fort Dix, New Jersey—a former Army prison.
3. Camp Atterbury, Indiana—National Guard facility.
4. Branchville, Perry County, Indiana—former Job Corp Center.
5. Minden, Nevada—Public Safety Center.

Mr. EARLY. Maybe somebody here has that.

Mr. WILLIAM FRENCH SMITH. We don't have those. As I recall, they are pretty well distributed around the United States. We have one in Central California which was under negotiation. It fell through for the very reason you mentioned. The people there just didn't want it.

Mr. EARLY. People don't want prisons in their neighborhoods, you know that.

Mr. WILLIAM FRENCH SMITH. That is right.

LOS ANGELES METROPOLITAN CORRECTIONAL CENTER

Mr. EARLY. What about the site for L.A.? Have we picked a site there?

Mr. WILLIAM FRENCH SMITH. There is a triangular site there that the judges all want, and I understand it is owned by the Federal Government. The indications are it would go on that site.

Mr. EARLY. Do you know if we have looked at any military bases out there?

You know, Mr. Attorney General, I would agree with your remarks about Mr. Carlson, he is a fine example of a person who started at the bottom and worked up. He does as good a job as anyone does.

Mr. WILLIAM FRENCH SMITH. A real professional.

Mr. EARLY. I don't always agree with him, but he is a fine, fine man, and he does a good job.

But we have got to change. We can't keep building \$34 million prisons. I can't understand the cost, Mr. Attorney General, and I know what you have said. Why don't we acquire private schools that are closing for white-collar criminals. They are not going to try to escape even if you leave the door open if they have sentences of less than three years. Something like the Lewisburg prison. How many prisoners do you have at Lewisburg?

Mr. WILLIAM FRENCH SMITH. I can't answer that. How many prisons?

Mr. EARLY. Prisoners.

Mr. WILLIAM FRENCH SMITH. Prisoners?

Mr. EARLY. In a minimum security prison.

Mr. WILLIAM FRENCH SMITH. I can't tell you.

[Subsequent to the hearing, the following information was provided:]

LEWISBURG PENITENTIARY AND CAMP

The Bureau of Prisons operates two facilities at Lewisburg, a maximum security penitentiary and a minimum security camp. The security ratings, rated capacity, and March 1983 prison population are as follows:

	Security level	Rated capacity	March 1983 population
Penitentiary.....	5-6	147	169
Camp.....	1	1,040	1,207
Total.....		1,187	1,376

Mr. EARLY. We could shift those prisoners to a new acquisition, and I would think it would be less costly to make the existing prison a little more secure.

Mr. Attorney General, every Attorney General who has come before this Committee has identified the same problems. We haven't made much progress in nine years besides Fort Dix and turning over a few other properties. Would you look at military installations? I guarantee you the public won't want to do it and the Pentagon won't want to give up land, but those aren't good enough reasons not to build our prisons on military facilities.

Mr. WILLIAM FRENCH SMITH. Congressman Early, there is one thing you can do.

Mr. EARLY. What would that be?

Mr. WILLIAM FRENCH SMITH. That is that we have pending up here on the Hill a bill which would permit us to transfer these facilities without charging the States.

Mr. EARLY. I heard you say that in your remarks.

Mr. WILLIAM FRENCH SMITH. Yes.

Mr. EARLY. But don't we—

Mr. WILLIAM FRENCH SMITH. Now, we have to sell or lease.

Mr. EARLY. But can't we sell property for a dollar?

Mr. WILLIAM FRENCH SMITH. I don't know. It has got to be fair market value.

Mr. EARLY. I thought we could sell it for a dollar.

Mr. WILLIAM FRENCH SMITH. It has got to be fair market value.

Mr. EARLY. I would file a bill to do that now.

Mr. WILLIAM FRENCH SMITH. We tried to get that passed last year and we are trying to get it passed this year.

Mr. EARLY. I will do anything I can.

Mr. WILLIAM FRENCH SMITH. This makes eminent sense.

STATE AND LOCAL INITIATIVES

Mr. EARLY. We are going to look at reopening halfway houses, Mr. Attorney General, considering the increases in this budget because the problem still exists. I just hope Chairman Smith and the rest of the Committee will go along with making some major changes on housing. I really do. The Chairman addressed this question to you. You propose eliminating funding for the \$9.4 million State and local grant program which Congress restored because it considered that program to be an effective way of combating drug related crimes.

In your statement, you said that you favor supporting State and local assistance initiatives. In your budget is a \$90 million proposal for new State and local assistance. We are not going to see many new proposals go through this Congress, I don't think, Mr. Attorney General.

I like the system that is in place. There are some things you might want to fine tune, but the States and local communities need that money. I can only speak for my own State. But they use that money effectively in fighting drugs and drug-related crimes.

Mr. WILLIAM FRENCH SMITH. Of course, that is what that is for.

Mr. EARLY. Which one?

Mr. WILLIAM FRENCH SMITH. If you are talking about the Justice assistance.

Mr. EARLY. You are talking about the new idea.

Mr. WILLIAM FRENCH SMITH. The \$90 million is designed to do just exactly that.

Mr. EARLY. That is a new program. It has no authorization for this year.

Mr. WILLIAM FRENCH SMITH. We are seeking it.

Mr. EARLY. As far as seeking authorization with the budget that Mr. Smith has to put together, we might never get the money for that program. To me we have got to maintain the funding that we have in place in juvenile justice as well. I heard you tell the Chairman that the drug grants were supposed to be seed money, and they were, but there are an awful lot of other programs that began as seed money. The juvenile justice problem is in the State. If States don't get some Federal help, Mr. Attorney General, I really don't think they can address it.

I want so much to cooperate with you, Mr. Attorney General. I don't think we are on opposite sides of the street. On these issues we have just got to cooperate, but we haven't done that on prisons and State programs in 10 years.

ORGANIZED CRIME DRUG ENFORCEMENT COORDINATION

One other question. The FBI and DEA now have joint jurisdiction for certain cases. Who decides who coordinates the effort?

Mr. WILLIAM FRENCH SMITH. You mean on the consolidation of DEA and FBI?

Mr. EARLY. Yes, for, let's say, the Florida problem.

Mr. WILLIAM FRENCH SMITH. Oh, the drug task forces.

Mr. EARLY. Yes.

Mr. WILLIAM FRENCH SMITH. Each of those task forces is an entity. They work under the overall coordination of a full-time coordinator for each of the task forces, under the general supervision of the Core City U.S. Attorney is the way that works. It looks like it has worked very successfully in South Florida, and we think it will work as well in these other task forces.

Mr. EARLY. Mr. Attorney General, I want you to provide for the record all of the surplus property that you have turned over to the States.

Mr. WILLIAM FRENCH SMITH. Oh, yes.

[The information follows:]

SURPLUS FACILITIES TRANSFERRED TO STATES

The five surplus facilities which have been transferred to the States via the Department's Clearinghouse are:

1. Watertown, New York—an Air Force Radar Range.
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3. Camp Atterbury, Indiana—National Guard facility.
4. Branchville, Perry County, Indiana—former Job Corp Center.
5. Minden, Nevada—Public Safety Center.

SURPLUS FACILITIES CONSIDERED FOR POSSIBLE CONVERSION TO FEDERAL CORRECTIONAL FACILITIES

The following surplus facilities are currently being considered for possible conversion for use as federal correctional facilities:

1. Putney, Vermont—the former Windham College.
2. Sheridan, Oregon—an educational facility.
3. Hermantown, Minnesota—Duluth Air Force Base.
4. Rochester, Minnesota—former State Mental Hospital.

Mr. EARLY. And others that you are looking at. Would you refer to that list in following the suggestion that we use military bases for our prisons?

Mr. WILLIAM FRENCH SMITH. We are very conscious of that situation.

Mr. EARLY. Let's do it.

Mr. WILLIAM FRENCH SMITH. That is particularly true with respect to minimum security facilities.

USE OF MILITARY INSTALLATIONS FOR FEDERAL PRISONS

A couple of years ago in New York, you built a facility for the Olympics and then you turned it over as a prison. How is that working out as a prison?

Mr. WILLIAM FRENCH SMITH. It worked out pretty well.

Mr. EARLY. It is still operating now?

Mr. WILLIAM FRENCH SMITH. Yes.

Mr. EARLY. I understand that to be an intermediate security type of prison.

Mr. WILLIAM FRENCH SMITH. Yes.

Mr. EARLY. I would love to see some new ideas come to this committee for giving you authority to put 20 to 50 prisoners on every military installation and let them be responsible for security.

Mr. ROONEY. Mr. Early, we will also provide a list of those installations, abandoned installations, that Mr. Carlson is looking at now, for Federal camps.

Mr. EARLY. That will be fine, because I have got a spot in Cambridge that is a military base. We could put the nicest prison there.

Thank you, Mr. Chairman.

Mr. NEAL SMITH. Are you talking about Harvard?

Mr. EARLY. We wouldn't have to put up walls, just house them there.

Mr. NEAL SMITH. Mr. Dwyer.

OFFICE OF JUSTICE ASSISTANCE INITIATIVES

Mr. DWYER. Thank you, Mr. Chairman.

In your statement, going back to the \$90 million that you are seeking for the support of State and local assistance initiatives, can you give us some idea as to what initiatives you have in mind, Mr. Attorney General?

Mr. WILLIAM FRENCH SMITH. In essence, that program is designed to pick out the most successful features of the old LEAA program, and to provide funds to the States on a matching basis, 50-50 matching basis. This would be done, of course, within the discretion of the states as to how that money should be most effectively spent, but that is the idea. LEAA generally speaking was spotty at best, in terms of effectiveness. There were some programs which were effective, and this is designed to in effect implement or continue that kind of program. That is the general approach.

Mr. DWYER. The presumption being that if a State wanted a program badly enough, they would find the money?

Mr. WILLIAM FRENCH SMITH. That is right.

Mr. DWYER. Even though they are already experiencing severe financial problems, you would expect them to find the money?

Mr. WILLIAM FRENCH SMITH. That is right.

Mr. DWYER. That is the presumption. But I would not let this opportunity pass. I must agree with my colleague, Mr. Early, that giving up a program like the juvenile justice program, which is important to many States including my own State of New Jersey, is not the best way to go. I would like to see that program remain, rather than going to something entirely new, or to have this new program pick up where the juvenile justice program does not.

Mr. WILLIAM FRENCH SMITH. Of course, these funds could be used for that purpose, if the States so desire.

Mr. DWYER. Then it is just a method to get it back on a matching fund basis.

Mr. WILLIAM FRENCH SMITH. If a State decides that that is the way it wants to spend that money, they could certainly spend it that way.

PRESIDENTIAL COMMISSION ON ORGANIZED CRIME

Mr. DWYER. The Presidential Commission on Organized Crime, for an appropriation of \$2.5 million. Did I see that in here, Mr. Attorney General?

Mr. WILLIAM FRENCH SMITH. Yes, that is right.

Mr. DWYER. The purpose of which is to put the spotlight on organized crime?

Mr. WILLIAM FRENCH SMITH. Yes. Well, not just to put the spotlight on it. Investigating it and coming up in due course with better ways to deal with it.

Mr. DWYER. In answering the Chairman before you used the word, "spotlight".

Mr. WILLIAM FRENCH SMITH. Indeed.

Mr. DWYER. It just seems to me that spotlight is on organized crime. Couldn't a special grand jury do just as well?

Mr. WILLIAM FRENCH SMITH. We don't think so. Actually, I am not sure I agree that the spotlight is on organized crime. People talk about it, and I will say, too, I think that a great deal has been done in the area of organized crime that is not recognized. During a recent period, the FBI located and we tried and convicted some 350 of the top dogs in organized crime, in some cases coming close to decimating the top levels of organized crime in certain cities. That is not generally recognized. It has been, I think, really quite an achievement, and one that hasn't been recognized, but that again is just scratching the surface, because there is so much more that needs to be done in this area. We think this is a new, different and good way to approach it. I mentioned the Kefauver Committee. That was certainly generally considered to be very successful.

Mr. DWYER. That was in the very beginning.

Mr. WILLIAM FRENCH SMITH. That is right.

Mr. DWYER. It made a lot of sense at that particular point in time and then it went on from that point, and resulted in some awareness on the part of the public.

Mr. WILLIAM FRENCH SMITH. That is right.

Mr. DWYER. I am familiar with some of the work you have done in combating organized crime. I find it out from the newspapers, so it is pretty well-spotlighted. I would just think that rather than going through the publicity of commission after commission, that we would be a lot better spending our dollars declaring war on them and really getting the job done.

FBI-DEA COOPERATION

Would you expand on how the FBI and the DEA cooperation is working out in connection with the war on crime?

Mr. WILLIAM FRENCH SMITH. It is working out very well. As I indicated in my statement, the FBI is now involved in over 1,100 separate investigations, 300 of them being joint efforts with DEA.

Now, of course, bringing the FBI for the first time into battle with our number one crime problem seems to me to have been essential.

For example, the FBI has expertise and resources to deal with the structure of organized crime, the money flow, the financial aspects. We might have in a medium-sized city perhaps four, five or

six DEA agents and in the same city, we would have over 100 FBI agents. Not to have them work together in doing what has to be done just didn't make sense.

We have done that, and it is working very successfully, we think.

ORGANIZED CRIME DRUG ENFORCEMENT

Mr. DWYER. How many drug task forces do you have working throughout the country now? You have the one in South Florida?

Mr. WILLIAM FRENCH SMITH. Thirteen, including South Florida.

Mr. DWYER. In your statement you mentioned the Treasury Department employees, 500 additional employees in the Treasury Department.

Mr. WILLIAM FRENCH SMITH. That is right.

Mr. DWYER. How do you dovetail those employees into this war on crime?

Mr. WILLIAM FRENCH SMITH. They are part of the task force. They bring Customs, they bring ATF, they even bring IRS into the overall picture. Of course, the theory of the task force is to bring all of the agencies that deal with this problem into a single entity.

Mr. DWYER. Thank you, Mr. Attorney General.

Thank you, Mr. Chairman.

Mr. NEAL SMITH. Mr. Mrazek.

FIREARM MATCHES

Mr. MRAZEK. I just have a couple of questions. One is in relation to something I found interesting in your authorization language. One is a provision that has been added to permit U.S. Marshals and Federal Bureau of Investigation agents to attend firearm matches. Can you tell me how much money is involved in that commitment in the 1984 budget?

Mr. WILLIAM FRENCH SMITH. I think I will have to turn that one over to Mr. Rooney.

Mr. ROONEY. I don't have the exact amounts of dollars, Mr. Mrazek. That would be primarily travel for those agents. This is considered a very effective way to sharpen their skills to provide the competitive—

Mr. MRAZEK. I would assume stepping onto the range is a way of sharpening their skills as well. I am just curious. I think there are a lot of people who do it for sport and for competition, and, of course, some of them are police officers. I don't think that local municipalities should finance their attendance in what is really a hobby, albeit one connected to their professional background, but a hobby rather than professional commitment. I would like you to supply me with the information of how much money you are anticipating spending on that.

Mr. WILLIAM FRENCH SMITH. There is no increase on that item, I am told.

Mr. MRAZEK. Why do you need a language change to allow or permit them to attend firearm matches?

Mr. ROONEY. There is no authority for them to do that.

Mr. MRAZEK. That means you don't spend any money on it now?

Mr. ROONEY. That would be correct, right. We are not asking for additional money within the appropriations for those two organiza-

tions to allow them to attend. It is just simply a matter of having a clear authority to participate.

Mr. MRAZEK. Believe me, I agree that there is a very different line between running and administering a department, and legislating budget proposals, and certainly as a Member of Congress, I am not interested in running the Department of Justice or taking any turf away from you.

By the same token, from the standpoint of budgetary proposals, I do have some questions about it. I would be interested in how much money you are looking to spend to arrange travel for them to attend these firearms matches.

ARCTIC PENITENTIARY ACT

Following up briefly on Congressman Early's question, and his, I think is a very pertinent suggestion as far as military bases: Have you had a chance to look at the Arctic Penitentiary Act of 1982?

Mr. WILLIAM FRENCH SMITH. The Arctic? Not recently.

Mr. MRAZEK. Well, this was legislation introduced in October of last year, which would seek to send hardened Federal criminals to a special Federal penal colony in the Aleutian Islands. I am wondering what comments you would have.

Mr. WILLIAM FRENCH SMITH. You said the Act?

Mr. MRAZEK. Yes, it was introduced as the Arctic Penitentiary Act of 1982, but it wasn't an Act. It was a proposed Arctic Penitentiary Act.

Mr. WILLIAM FRENCH SMITH. I think I might have read something about that.

Mr. MRAZEK. It was a bill introduced to do that. What would be your reaction to the idea of sending Federal criminals to the Aleutian Islands?

Mr. WILLIAM FRENCH SMITH. It certainly has not been included in any of our proposals.

Mr. MRAZEK. I am grateful to hear that. Do you think it is a cost-effective and worthwhile approach?

Mr. WILLIAM FRENCH SMITH. It doesn't sound like it.

Mr. MRAZEK. The idea would be that if violent Federal prisoners thought that they would be sent to this penal colony in the Aleutian Islands, in the Arctic Tundra, that it would deter them from committing other violent acts.

Mr. WILLIAM FRENCH SMITH. Provide a little deterrence?

Mr. MRAZEK. Yes.

Mr. WILLIAM FRENCH SMITH. Well, I think that is a possibility.

USE OF MILITARY INSTALLATIONS FOR FEDERAL PRISONS

Mr. MRAZEK. Perhaps you ought to more seriously consider it. We might even want to consider the North Pole, too.

On the question of military bases, I am not entirely sure that all Members of Congress would not want to have a military base in a very high unemployment area. In fact, many might welcome the military base being converted to a Federal prison of one sort or another. Certainly on Long Island, and even in Suffolk County, which is a relatively well-developed area, we have one particular town which has exceedingly high unemployment. They, in fact, depend

for their local economic health on the continuation and expansion of penal facilities in that particular town. It doesn't happen to be in my congressional district and I am not recommending that you expand on them there.

By the same token, I wonder if you could consider taking a survey of Members of Congress that have military bases in their districts. I don't think it would require a great deal of money, but simply asking them whether they thought that there would be opposition to utilizing a particular base in their district, and you might find at least one or two that might say not only would there not be opposition, but chances are because of a particular economic problem there, they would be in favor of it.

I am wondering if you would consider doing a survey like that and report back to us?

Mr. WILLIAM FRENCH SMITH. Actually, with respect to detention centers, we finally found one or two locations after about a year and half. Every other effort not only resulted in objections, but loud objections.

Mr. MRAZEK. Have you polled all 435 Members?

Mr. WILLIAM FRENCH SMITH. Well, pretty close. Actually even when there is a preliminary interest, which is rare, but when you do find even a preliminary interest, then you go in and start doing the necessary, and pretty soon opposition always develops from some quarter.

One of the rare exceptions was in Oakdale, which has, as you indicated, an unemployment problem, a severe unemployment problem, and they welcomed us with open arms.

Mr. MRAZEK. I know there are upstate communities in New York that have actually requested the State to consider putting a penal institution in their community.

Mr. WILLIAM FRENCH SMITH. There are a few places. Of course, one of the keys is to find who is interested, because you will find some who are interested, and then when it reaches a certain point, the opposition begins to develop.

Mr. EARLY. You will yield?

Mr. MRAZEK. Certainly.

Mr. EARLY. Mr. Attorney General, when we opened that new prison in Otisville, New York, Congressman Gilman petitioned us, I think, in that area. He asked us for the prison.

Mr. WILLIAM FRENCH SMITH. This does happen. I don't want to over-dramatize this. I guess I am sort of calloused, because we have gone through this so many times.

Mr. MRAZEK. Understandably. If a Member of Congress were to get in and say, "look, I don't want this in my district," he would be listened to very seriously by his colleagues in this body. By the same token, I think it would be worthwhile for you to send out a letter to those Members in the 435 Member-House who do have a Federal installation that you think might be suitable, to find out whether they might be interested.

Mr. WILLIAM FRENCH SMITH. When that happens, we certainly work very closely with the Congressman involved, needless to say.

USE OF MILITARY AIRCRAFT

Mr. MRAZEK. In relation to the South Florida task force, I have spoken to people in the Coast Guard, in the Navy, in the Drug Enforcement Agency, and they agree with you that cooperation is good between the various agencies involved, including the Department of Justice.

Nevertheless, the Navy does not feel that its role should be utilizing the E2-C Hawkeye Aircraft for drug surveillance that it isn't a role that the Navy really should have, and certainly it is an important component in the tracking of cocaine smuggling by plane; I am concerned, and I have spoken to people within those agencies, that this continues to be an important component in your future work. I am wondering if the Justice Department, and the FBI, would consider being the lead agency in the utilization of this type of surveillance equipment, if, in fact, it was to be purchased by the Federal Government for this specific purpose?

Let's say the Navy purchased two more planes, and leased them or lent them under someone's supervision. Now, the Coast Guard doesn't want it.

Admiral Bracey from the Coast Guard said we don't want to have responsibility for administering those aircraft. I am concerned that if we are, in fact, going to maintain or perhaps expand our commitment in this area, that it would be helpful if someone took the responsibility.

Mr. WILLIAM FRENCH SMITH. I would have to look into that. I will have to say that we have had very good cooperation. Of course, you are always going to get some differences of opinion as to how best to do a particular job or what piece of equipment can do this and what piece of equipment can do that better. That is always going to happen, but by and large, it has worked out pretty well.

The degree to which the FBI, for example, could get into that particular activity would require a little review on our part. Of course, they do a certain amount of that anyway.

Mr. MRAZEK. I would appreciate it if you would review that.

Mr. WILLIAM FRENCH SMITH. Yes.

Mr. MRAZEK. I have been told that it is the E2-C Hawkeye which has been found to perform most effectively in the kind of monitoring and surveillance which then leads to apprehension.

Mr. WILLIAM FRENCH SMITH. Yes.

Mr. MRAZEK. And it is fair to say, and I can say publicly, that the amount of coverage is limited, based upon what the Navy feels it can commit as a resource. The Navy is apparently looking to consider pulling back even that limited commitment. Rather than reduce, I would hope that we are going to be able to expand that surveillance role. Perhaps we could even get 100 percent covered, if that is possible, from a monitoring standpoint, of at least certain geographic locations which present the most problem.

On that basis, I would ask you to look into that and report back to me some specific recommendations.

Thank you, Mr. Chairman.

[The following information was submitted concerning the use of military aircraft:]

Operation of Military Aircraft

It would not be considered appropriate for the FBI or any component of the Department of Justice to take the lead in the acquisition, maintenance or operation of the E2-C type of aircraft.

The E2-C Aircraft from the United States Navy and similar aircraft from the United States Air Force have been flown by military personnel in support of drug enforcement efforts under the revised posse comitatus restrictions which apply to the Department of Defense. These aircraft have made critical contributions to our air interdiction effort by providing much needed radar coverage. From all present indications it is clear that this Administration intends to increase the role of the military through the expansion of the South Florida interdiction project as a nationwide border interdiction effort.

Under the revised posse comitatus provisions, the Army has made Cobra helicopters available to the Customs Service and two other helicopters were made available to DEA for use in South Florida related Task Force activities near the Bahamas. In January 1983, the Army also provided the Customs Service a new Blackhawk helicopter which is better suited to carry additional personnel, more safely, on apprehension missions than the existing equipment. This type of military assistance, the provision of additional aircraft of the type normally used by civilian law enforcement pilots with minimal special training, has proven invaluable. The use and maintenance of this equipment has been incorporated within existing maintenance activities and enforcement operations with relative ease. To expand this concept with regard to the E2-C AWAC type aircraft would not be easily done within existing programs.

The AWAC type aircraft are designed for military application with sophisticated radar equipment and specially trained crew. Their military mission is to support aircraft carriers under attack from supersonic fighters and missiles. The cost of maintenance, operation and support of such sophisticated equipment is relatively moderate and easily justified in terms of the military application in the interest of national security. However, the cost of operation of such sophisticated equipment, solely for the purpose of drug interdiction by a civilian agency, would be considerable in relative terms. Thus, at this point our review indicates that continued use of military equipment, as is being done in South Florida, is beneficial to civilian law enforcement agencies. In addition, the use of military personnel and equipment in enforcement missions where such a capability can only be offered by the military, as in the use of E2-C's, is invaluable and many times serves a dual purpose, i.e., training for the military personnel involved and provision of critical assistance to civilian law enforcement agencies.

GEOGRAPHIC DISTRIBUTION OF REQUEST

Mr. NEAL SMITH. Mr. Carr.

Mr. CARR. Thank you, Mr. Chairman.

Mr. Attorney General, I looked through the budget summary, and I am wondering if you have some geographic breakdowns, if you couldn't supply them to the Committee. I think of Michigan kinds of things, questions that I should be asking. I simply need to have more information, but in addition to Michigan, I am wondering if you don't have it broken out by States, and perhaps some one of your officers could come up and brief me about the Justice Department activities in my State?

Mr. WILLIAM FRENCH SMITH. I am sure we can do that.

Mr. CARR. How much we are spending there, how many people we have there, how I might be helpful to you in my locality in particular. I don't have anything beyond that.

Mr. WILLIAM FRENCH SMITH. We would be glad to do that.

Mr. CARR. I would appreciate that. Particularly I have taken an interest in your U.S. Attorneys in West Michigan, and what their budgets are all about, some details.

Mr. WILLIAM FRENCH SMITH. Sure.

Mr. CARR. I would also like some comparisons between States as well, to see if there is any notable differentiations in the Justice Department activities, and if there are, maybe some reasons why.

CO-LOCATION OF FEDERAL AND STATE PRISONS

Just listening to the discussion about prisons and locations, it occurred to me that in my own State of Michigan, money is very tight for prisons and prison expansion. There is the Federal facility at Milan, Michigan. It is just sort of coming out spontaneously here. To what extent have we put our heads together with state officials to examine the question of co-locating some of these facilities? I know that in Michigan, we have a couple of State installations. The political problems have already been surmounted.

In the case of Southern Michigan, regarding the prison at Jackson, Michigan—whatever political problems there are to siting a prison facility in a community have long since been overcome. Indeed it forms a major employment base for that particular community.

In the event the Federal Government were to expand in the Midwest, none I know are planned, but it would seem that maybe some scale of efficiency could be achieved by a co-location of facilities. Or going the other way, Michigan needs additional space, and perhaps the State could take advantage of some excess capacity at the Michigan facility. Are we so compartmentalized at the Federal prison level that we can't think of doing things together?

Mr. WILLIAM FRENCH SMITH. No, on the contrary, we have very close working relationships with States and localities. We have to because there is a good deal of transferring of prisoners back and forth between groups, and we need local space in many, many areas, and there is a very close working relationship. I think that Norm Carlson who heads our Bureau of Prisons has really done a fine job

in terms of developing relationships with other entities involved in that area.

Mr. CARR. It seems that at the Federal level, we have a little easier time politically coming up with money to buy and maintain these facilities than states do, states like Michigan, with very severely constrained budget requirements. I should think states would welcome a program where the Federal Government in exchange for some quid pro quo would have a program of helping states finance additional capacity at State prisons in exchange for housing certain types of Federal inmates, and taking care of that.

I would be interested in having anyone in the Justice Department who has given some thought to that coming and having a chat with me over coffee some day so I might educate myself about this possibility.

Mr. WILLIAM FRENCH SMITH. We could do that at the same time.

Mr. CARR. Thank you.

Mr. WILLIAM FRENCH SMITH. There is a good deal that is going on in that area.

Mr. CARR. I am new to the Committee. I am just trying to educate myself on these points.

Mr. WILLIAM FRENCH SMITH. We would be glad to do that.

Mr. CARR. I would like to get some budget breakouts about Michigan.

Mr. WILLIAM FRENCH SMITH. Fine.

HONOR LAW GRADUATE PROGRAM

Mr. NEAL SMITH. Mr. Porter.

Mr. PORTER. Thank you, Mr. Chairman.

Mr. Attorney General, I mentioned to you when we met a few minutes ago, that I had served in the Department of Justice as an honor law graduate attorney when I was just out of law school some 22 or 23 years ago. I might say, Mr. Attorney General, that puts me in the Kennedy Administration, but I was appointed by President Eisenhower. I did serve under Attorney General Robert Kennedy, though, and I think it was a wonderful experience for a young lawyer.

I wonder if that same program, the honor law graduate program, is still in existence and what kind of participation you have, if it is?

Mr. WILLIAM FRENCH SMITH. It is still in existence, and as a matter of fact, it is a highly sought-after program, and, we think, very successful.

Mr. PORTER. Are there as many attorneys in the Department still under that program proportionately as there were 20 years ago?

Mr. ROONEY. My guess is that that is still our primary recruiting method, I would say, because staffing over recent years has been less at the headquarters than in the field. But the percentage, I am sure, is still very much up to what it was 20 years ago, if not higher. We could easily research that.

Mr. PORTER. I have to say that my salary at that time was a magnanimous \$6600 a year, and when I left to return to take over my father's practice of law, within a year I was paying more income taxes than that.

Mr. WILLIAM FRENCH SMITH. Nothing has changed.

STATE AND LOCAL ASSISTANCE—PRISON CONSTRUCTION

Mr. PORTER. It is still the same way. Maybe we can improve on the salary to get high quality people. I might say, and I wish Joe Early was still here, but just for the record, I don't want Federal prisons on the military installations in my district, thank you. He can have them in his. I think this entire area of prison and jail construction is terribly important, not only to the Federal Government, but to States as well. All of us know that there are people being let out of our prisons and jails by the courts simply because of overcrowding. I think where conditions have been determined to be cruel and unusual punishment, there simply is no way to put into the hands of a Federal or State judge today a reasonable alternative to incarcerate someone who really ought to be incarcerated, without allowing someone else to come out the other end.

Therefore, I am very supportive of building new prisons for the United States, but I also think we have to consider what we can do to help States achieve the same goal.

Governor Thompson from my State of Illinois came down last year in support of a bill similar or exactly the same as Senator Dole's bill in the Senate to aid states in building prisons by subsidizing the interest that they have to pay to borrow the money to do so. What is your Department's position on that kind of an approach to helping states solve their prison problems?

Mr. WILLIAM FRENCH SMITH. The Attorney General's Task Force on Violent Crime, of which Jim Thompson was the co-chairman, came out with a recommendation on that which was fine except for the fact that we just didn't have the money to do it. So we looked to other ways of accomplishing the same result, and that is how we first initiated the business of turning over military bases or abandoned Federal facilities to the States for this purpose.

The specific answer to your question really is that this is essentially a budgetary matter, but there is one thing I want to point out, and that is that we are doing a host of other things that are of benefit to the States. For example, the National Corrections Academy is something that was first created in 1981, and its function is essentially training and educating of staff and local correction officials, including lower level officials. Then, of course, we have training programs elsewhere which are extensive, and provide a very valuable service to the states in this respect. So there is quite a spectrum of activities that we are engaged in that are designed to this.

In terms of facilities, I think the fact that these abandoned military bases are being made available is really quite a step forward, and really to the extent there is a break there, it is not a break on the part of the Federal Government. It is a break on the part of the states for whatever reasons they have for not accepting our proffers of property here and there.

Once again, it would be a lot easier, although I don't think the principal problem is money. I think the principal problem is location and local objection, but it would certainly be a lot easier if we could give this property to the states rather than selling it to them.

Mr. PORTER. If I can conclude, though, in reference to Senator Dole's proposal and mine, you and the Department don't have a philosophical objection to that approach to helping States build prison facilities. It is simply a budgetary consideration?

Mr. WILLIAM FRENCH SMITH. We want to do what we can do, but the budget is pretty substantial.

Mr. PORTER. The projected deficit is higher now than it was before?

Mr. WILLIAM FRENCH SMITH. Yes.

CITIZEN IDENTIFICATION CARDS

Mr. PORTER. That is encouraging from that standpoint. There was an article in the March 9th Washington Post that says that the Immigration and Naturalization Service, "yesterday moved to stop the issuance of new or replacement U.S. citizen identification cards effective April 7." Can you tell the Subcommittee what that is all about and what that action was taken?

Mr. WILLIAM FRENCH SMITH. We would have to look into that because I don't know exactly what was meant by that article. I read it myself and intended to look into it, but I haven't had the occasion to do so. We will be glad to do that and provide you with an answer.

[The following information was submitted:]

U.S. CITIZEN IDENTIFICATION CARDS

The INS' proposed rule (published November 4, 1982 at 47 FR 49974) to cease issuing the U.S. Citizen Identification Card, Form I-197, was published at 48 FR 9503 as a final rule on March 7, 1983. The final rule does not invalidate U.S. Citizen Identification Cards already in circulation; it affects only the issuance of future cards.

The U.S. Citizen Identification Card is relevant only to U.S. citizens and not to any other group eligible to work in the United States. As tamper proof verification of U.S. citizenship status, the I-197 is not a highly desirable document because it lacks security check points, as evidenced by a significant incidence of fraud in its use. Alternative documentation of U.S. citizenship status is readily available (e.g., native birth certificates, U.S. passports, Certificates of Citizenship, Certificates of Naturalization, and the State Department's Form FS-240).

1984 OLYMPICS

Mr. PORTER. All right. Regarding the 1984 Olympic Games that are going to be held in the United States, what effort is the Department making, given the record of past terrorism at games, to protect the participants and officials and the people who are going to be there?

Mr. WILLIAM FRENCH SMITH. A good deal has been done in that area. The FBI will be the lead agency working, of course, with other Federal agencies as well as the State and local agencies. Already a significant number of meetings have taken place, and organization efforts are long-since underway. The FBI has the lead for various reasons, one of which, of course, is the terrorism threat, the Munich and other incidences that have occurred. That is really quite well-organized at this point. Even the INS is going to put on additional people in order to deal with that rather unique situation.

FOREIGN AGENTS REGISTRATION ACT

Mr. PORTER. There was a great deal of flap in the media and among a number of people about the three Canadian films that had to be dealt with under the existing law, and I wonder if you could—many people thought that the films were repressed and not allowed to be shown in the U.S. I don't believe that that is true. I think labeling was required to be placed upon them.

Could you fully explain that to the Committee and why that action was taken?

Mr. WILLIAM FRENCH SMITH. It is absolutely not true that they were labeled in the sense that some of the news media and some of the national television news shows said a stamp of propaganda was put on this film. Under the Act, as we discussed earlier, there is no requirement that the Department of Justice take any position whatever with respect to the content of a film. Under that Act, which we are duty-bound to enforce, if it is produced by an agent of a foreign government, and it is designed to influence a segment of the American public, as defined in that statute, then we must require them to put a disclaimer on it, which in effect says that this film was produced by an agent of a foreign government, sort of truth in packaging, and the fact that it is registered with the United States Government does not mean that the United States Government endorses it. The specific language is to this effect. That is roughly the idea.

Then there is another aspect to it which required reporting in the case of a film if more than 100 copies are sent out, to whom, and if it is shown in a theater, or who showed it and the dates of showing, plus I think estimated attendance, something like that. Whether this is good or bad is not for us to decide. It is just there, and we enforce it. As we were discussing earlier, thinking that there should be changes made, that, of course, is the responsibility of Congress.

Mr. PORTER. Thank you very much, Mr. Attorney General.
Thank you, Mr. Chairman

REVIEW OF SPECIFIC FILMS

Mr. NEAL SMITH. Mr. Alexander, do you have another question?

Mr. ALEXANDER. Yes, I would like to pursue it a little further, Mr. Attorney General. You mentioned that you are obligated, mandated under the law to designate these films and require the disclaimer of all films that are produced by foreign agents which are designed to influence a certain segment of our population?

Mr. WILLIAM FRENCH SMITH. Yes.

Mr. ALEXANDER. I remember a film a few years ago entitled "Lenin" which featured a French actor. I can't remember his name offhand—Alain DeLain, which was a story of Lenin's life, clearly designed to influence those who watched it to the view of Communism. It was a most interesting film. It had a lot of inaccuracies in it, as all films do.

Do you know whether or not that film was required to be labeled?

Mr. WILLIAM FRENCH SMITH. I wouldn't have any idea.

Mr. ALEXANDER. Clearly under the purview of the Act.

Mr. WILLIAM FRENCH SMITH. But I should point out that our people who do this work review a significant number of films and a significant number of them do not require labeling.

In other words, I think in this particular case, I am not sure about my figures, but it seems to me that there were five or ten films that were reviewed in this case, and it was only three of them where our people came to the conclusion, that they were designed to influence, and the others not at all. So there is a line there. How easy it is to draw the line, it is a little hard to say.

Mr. ALEXANDER. Do you know whether or not the film "Gandhi" was reviewed? It was made by a British firm.

Mr. WILLIAM FRENCH SMITH. It wouldn't be reviewed unless it was made by an agent of a foreign government.

Mr. ALEXANDER. An agent of a foreign government. The United Kingdom is a foreign government, with the assistance, by the way, of the Government of India. It was a political epic.

Have you seen the film? I commend it to you.

Mr. WILLIAM FRENCH SMITH. No, I would like to see it. I want to see it.

Mr. ALEXANDER. A beautiful film, clearly political in nature, about Gandhi, whose life was political. He was a prophet, and he influenced the world on the subject of racism.

Also in the film was a segment which clearly demonstrated the distaste of its producers against the U.S. policies toward South Africa.

Was that film reviewed?

Mr. WILLIAM FRENCH SMITH. I really couldn't answer those questions. I would have to say I was not aware of the fact that film was produced by a foreign government.

Mr. ALEXANDER. Neither are the American people because it is not labeled.

Mr. WILLIAM FRENCH SMITH. Perhaps it wasn't. I just don't know.

DISCRETION IN LABELING

Mr. ALEXANDER. I would like for the record if you could furnish that information.

It occurs to me that what you are saying, Mr. Attorney General, is there is this great discretion here, which is exercised by whom? Who exercises the discretion? Who is in charge of making the determination of whether or not these films are propaganda?

Mr. WILLIAM FRENCH SMITH. I don't know how much—you say great discretion; I don't know what that means.

Mr. ALEXANDER. It means that there is latitude within the law to determine on the basis of subjective findings whether or not a film is propaganda and intended to influence segments of the population. That is what it means.

Mr. WILLIAM FRENCH SMITH. Isn't it rather unusual that this process has been going on for 30 or 40 years under every Administration?

Mr. ALEXANDER. I haven't been here 30 or 40 years.

Mr. WILLIAM FRENCH SMITH. I haven't either, but this is apparently what has been going on under a law enacted by Congress as

far back as 1938. And all of a sudden, this kind of attention is being paid to it.

If a statute has been on the books that long and has been consistently enforced, it is interesting as to how that could have been the case, and the attention now is being so suddenly focused.

Mr. MRAZEK. Will the gentleman yield?

Mr. ALEXANDER. Just one second.

Mr. Attorney General, my information, I am not positive about this, but my information is that this law was enacted back in 1938 to counter the subversive activities of the Axis powers.

Mr. WILLIAM FRENCH SMITH. I would assume.

Mr. ALEXANDER. Nazi Germany.

Mr. WILLIAM FRENCH SMITH. I would assume.

Mr. ALEXANDER. And I learned in law school, as you did, that where the reason fails, the rule should fail. I am trying to examine whether or not this is still good law.

Mr. WILLIAM FRENCH SMITH. And I want to say I don't want to be appearing here to be defending that law. All I am saying, I am not really taking a position as to whether the law is good or bad or should be changed.

Mr. ALEXANDER. I understand your position.

Mr. WILLIAM FRENCH SMITH. It just is the law.

Mr. ALEXANDER. It is the law, but it is also—

Mr. WILLIAM FRENCH SMITH. And we have the obligation to enforce it. And if it is a bad law, it is up to Congress to do something.

Mr. ALEXANDER. We will look at that.

I will yield in just a second, but the Attorney General is telling me that you review many films, some of which have been judged to be political. And some that you have not labeled, or you appear to have not labeled.

You didn't label "Gandhi." I saw the film.

Mr. WILLIAM FRENCH SMITH. I doubt if that was produced by a foreign government.

Mr. ALEXANDER. It got an Academy Award nomination by the way.

Mr. WILLIAM FRENCH SMITH. I am surprised if it was produced by a foreign government.

UNIT RESPONSIBLE FOR ADMINISTERING ACT

Mr. ALEXANDER. Therefore, there is subjective judgment that is exercised by persons within the Department of Justice who administer the law.

Who are these people? Who is in charge of exercising this discretionary judgment?

Mr. WILLIAM FRENCH SMITH. We have a unit.

Mr. ALEXANDER. What is the name of the unit?

Mr. WILLIAM FRENCH SMITH. The Foreign Agents Registration Act is the unit that administers that Act.

Mr. ALEXANDER. Who is in charge of administering that unit? What is the name of the person?

Mr. WILLIAM FRENCH SMITH. Lowell Jensen. It is part of the Criminal Division.

Mr. ALEXANDER. In terms of political vernacular, we have a "faceless bureaucrat" who is deciding on the basis of subjective findings whether or not certain films are propaganda and should or should not be labeled.

Mr. WILLIAM FRENCH SMITH. But this is true with a host of laws.

Mr. ALEXANDER. I am only interested in this one at this particular point.

Mr. WILLIAM FRENCH SMITH. I know, but if you are going to administer laws, you have to do it through established procedures.

Mr. ALEXANDER. You don't even know the name of the person who is administering this law, nor do I, nor does anyone in this room.

Mr. WILLIAM FRENCH SMITH. We have 56,000 people who are administering the law.

Mr. ALEXANDER. But doesn't it concern you that someone is exercising this power of information in the United States and you don't even know who it is?

Mr. WILLIAM FRENCH SMITH. But let me point out that nothing, no act that is taken by these people, has anything to do with who says what. There is no restriction on the showing of this film. There is no commentary with respect to what is good or bad.

Mr. ALEXANDER. That is your opinion, Mr. Attorney General.

Mr. WILLIAM FRENCH SMITH. The only thing that goes on there is that disclaimer.

Mr. ALEXANDER. My opinion is different.

Mr. WILLIAM FRENCH SMITH. If you are saying you don't like that disclaimer going on there, then I suggest you do something about the law.

Mr. ALEXANDER. I may do that, but I am trying to find out what you know about it first.

Mr. SMITH. Mr. Mrazek.

PROCEDURES FOLLOWED IN ADMINISTERING ACT

Mr. MRAZEK. Just a couple of questions.

How would one go about determining the role that a foreign government might have played in the production of a film? How would this particular agency determine that, in answer to Mr. Alexander's question?

Mr. WILLIAM FRENCH SMITH. Whether or not the agency that produced it is an agent of a foreign government? I suppose just the same way that any determination would be made of that kind.

Mr. MRAZEK. There are literally hundreds of films being produced over the world.

Mr. WILLIAM FRENCH SMITH. Foreign agents have to register under that Act. So far as I know, no question has been raised yet as to whether or not, for example, the Canadian Film Board is an agency of the Canadian Government.

As a matter of fact, they complied completely with this Act, raised no questions, filed no protest, and did not appeal in any way, as they have done in the past.

Mr. MRAZEK. Did you read any of the public dialogue about a film produced by the South Koreans called "Inchon"?

Mr. WILLIAM FRENCH SMITH. No, I have not.

Mr. MRAZEK. That was apparently financed largely by the South Korean Government or elements within it.

Another film made by Libya, financed by Libya, came out about two or three years ago about war in North Africa.

I am curious about the criteria. Congressman Alexander has, I think, raised some pertinent questions.

I wonder if you could supply the Committee with the criteria by which these films are reviewed. In other words, is it brought to the agency's attention that there might be a film that would come within this Act, or is there some initiative that is undertaken on the part of this agency within the Justice Department to determine what films in fact have been produced?

Mr. WILLIAM FRENCH SMITH. We would certainly be glad to provide you with all of the information about the procedures that are followed.

Mr. MRAZEK. Thank you.

[The following information was submitted:]

CRITERIA AND PROCEDURES BY WHICH FOREIGN FILMS ARE REVIEWED

The fact that films are being disseminated can come to the Registration Unit's attention in any one of the following ways:

The registrant contacts the Unit and requests that it review the film to determine whether it falls within the definition of political propaganda.

The registrant provides a listing by title of films disseminated or provides a catalog or brochure that lists the films by title or provides a brief description of each film, or both.

The Registration Unit becomes aware of the dissemination through public or government sources, or both, or through inspections conducted pursuant to the Act.

In the latter two situations, the Unit requests the film for review to determine whether it falls within the definition of political propaganda.

The review of films by the career personnel in the Registration Unit focuses only on whether they meet the statutory criteria. The reviewer applies an objective test and is not permitted to speculate concerning the motive or bias of the producer. The standard for the reviews, which is set forth in the definition of the term "political propaganda," is political advocacy. The Registration Unit personnel are not concerned with whether the advocacy is from friend or foe, or whether it promotes or attacks U.S. policy.

FOREIGN AGENT REGISTRATION ACT EXEMPTION FOR ALLIES

Mr. ALEXANDER. One further question, Mr. Chairman, and I will be through.

Another reason that I mentioned this is because, clearly, Canada is an ally under anyone's definition, a friend and neighbor, a partner in the North American Defense Command. There are only two members of that command.

Under this act, they are exempt unless the Attorney General decides that they should not be exempt for reason that policies offered under the propaganda are against the official policies of our Government.

Now, is that the reason for not exempting Canada? What the Government is saying to the American people is on the subjects of acid rain and of a nuclear freeze, which has a very wide, broad interest among the American people.

I disagree with the Attorney General that labeling does not discourage nor intimidate people, because a lot of people are intimidated by having to register with the Department of Justice and the Federal Bureau of Investigation and all that sort of thing.

You are administering a law which is, in my view, discouraging debate on two issues which are of vital interest to the American people: nuclear freeze and acid rain.

I am not saying what my position on either is, but I certainly want all the information that I can get on these subjects from whatever source I choose in my own mind to select.

Mr. WILLIAM FRENCH SMITH. You are certainly entitled to that.

Mr. ALEXANDER. And I don't want some faceless bureaucrat telling me what to see and what to know, and neither do the American people.

Mr. WILLIAM FRENCH SMITH. Of course, this Act does not do that.

Mr. ALEXANDER. In your judgment it doesn't do it, Mr. Attorney General?

Mr. WILLIAM FRENCH SMITH. Again, I am not really expressing an opinion as to the merits of that statute. All I am saying is that what we have been doing is to enforce it, and if that statute should be changed, then that is the responsibility of Congress.

Mr. ALEXANDER. But you have administrative discretion, and you don't know who is enforcing it nor the number of people.

Mr. WILLIAM FRENCH SMITH. To the extent of discretion being exercised there, that is a discretion imposed by that statute.

Mr. ALEXANDER. You are going to submit us the facts?

Mr. WILLIAM FRENCH SMITH. We are certainly not going to be enforcing just those laws that we like or that you like, and not enforcing the ones you don't like. We have to enforce the law as it is, and that is what we are doing.

Mr. ALEXANDER. But discretion is involved, is that correct?

Mr. WILLIAM FRENCH SMITH. As established by the statute.

Mr. ALEXANDER. What do you personally know about the people who are exercising this discretion? I would like to have them up here and find out who they are and what they are all about.

They may be extreme right-wingers, for all I know, or extreme left-wingers, for all I know, but their subjective findings in reviewing these films and other propaganda determines whether or not the American people will be exposed to the labeling of these films.

As Attorney General, you should be as interested in this subject as I am.

Mr. WILLIAM FRENCH SMITH. Needless to say, I am quite interested in it.

Mr. ALEXANDER. Let's do something about it. Do you agree to look into it with me?

Mr. WILLIAM FRENCH SMITH. No. As I say, we will be glad to provide whatever information you want as to how that process works.

Mr. ALEXANDER. And who is doing it?

Mr. WILLIAM FRENCH SMITH. Who is doing it.

Mr. ALEXANDER. How many people, what their procedure is.

Mr. WILLIAM FRENCH SMITH. And we can also give you the films that have been labeled this way in the past. It goes way, way back, and there are a large number of them. It is certainly not a new process.

Mr. ALEXANDER. Thank you, sir.

Mr. NEAL SMITH. Mr. Early.

Mr. EARLY. No more questions, Mr. Chairman.

Mr. NEAL SMITH. We have some additional questions which we will place in the record for you to respond to.

Thank you very much.

Mr. WILLIAM FRENCH SMITH. Thank you.

[The questions referred to and the answers follow:]

The Department and the Administration also oppose the statutory extension of investigative subject matter jurisdiction over certain Title 18 crimes to the Labor Department. Insofar as Labor Department investigators, including OOCR agents, are required to investigate felony violations involving employee pension and welfare plans, they are fully able to do so currently by delegation of authority from U.S. Attorneys and Organized Crime Strike Forces under existing arrangements between the two Departments.

(Mr. Jensen's statement can be found following the Questions for the Record.)

Office of Justice Assistance Proposal

QUESTION:

You mention in your statement that the Department will be requesting the authority to support worthy state and local criminal justice assistance initiatives. Can you define "worthy" for me here and tell me the type of state and local programs that would qualify?

ANSWER:

The Administration proposal lists eleven specific types of projects which are eligible for funding. Program models already exist for several of these categories and new models will be developed on the basis of successful experience by state or local law enforcement agencies and through the research and evaluation processes of the National Institute of Justice. The existing models have been proven effective through prior demonstration projects. For example the TASC (Treatment Alternatives to Street Crime) program to reduce recidivism among drug and alcohol abusing offenders, after the involvement of 52,000 offenders, showed that 64 percent of the offenders were successfully discharged. A study of the Career Criminal Prosecution Program showed that over a five year period: (1) 11,822 career criminal defendants were prosecuted; (2) approximately 11,000 of those defendants were convicted, 88 percent of whom were convicted of the most serious charge; (3) the overall conviction rate was 92.8 percent, involving a total of 23,461 charges; and (4) the average sentence was 13 years, 8 months. Similar evidence of effectiveness exists for the other existing program models which include "Sting" undercover fencing operations, Integrated Criminal Apprehension Program (ICAP), Prosecution Management Information System (PROMIS), and New Pride serious juvenile offender program.

QUESTION:

You are proposing that the Juvenile Justice program be abolished as well as the state and local drug grants program. If a local community were to have an established and successful juvenile justice program operating, would it qualify for the new program you are proposing?

ANSWER:

It may. Initially, we have selected two juvenile justice programs which would be eligible for funding under the State and Local Assistance formula grant program. These programs are, Project New Pride and juvenile restitution.

QUESTIONS SUBMITTED BY MR. PORTER

Organized Crime Task Force

QUESTION:

I understand, to use the words of the Washington Post, the Departments of Justice and Labor have been squabbling over whether the 75 agents of the Organized Crime Task Force should be allowed to carry weapons and have certain police powers. Can you give me your version of the story?

In this regard, can you outline for the record the jurisdictional responsibilities given to the Department of Labor and the Department of Justice in this program?

ANSWER:

D. Lowell Jensen, Assistant Attorney General, Criminal Division, recently testified before the Senate Labor and Human Resources Committee concerning the adequacy of law enforcement powers available to the Inspector General's Office of Organized Crime and Racketeering (OOCR), U.S. Department of Labor. Since 1978 OOCR, which now includes seventy-five criminal investigators, has carried out the Labor Department's mission with respect to investigation of organized criminal activity related to labor unions and pension or welfare benefit plans. The FBI, which has approximately 1,400 agents assigned to organized crime investigations, also has investigative jurisdiction over the same subject matter.

Although the Department of Justice is pleased with the overall performance of these OOCR agents with respect to efforts directed at so-called "white collar crime" in labor unions, employee benefit plans, and labor-management relations, it has consistently resisted requests that the agents be permitted to undertake covert investigations such as those involving undercover operations or judicially authorized wiretaps and other forms of electronic surveillance. We think that these types of covert investigation needlessly duplicate the extensive efforts of the FBI devoted to the same subject matter and present significant problems of accountability and control over the activities of investigative agents outside the Department of Justice. Congress has recently subjected FBI undercover investigations, which are carefully supervised within the Department of Justice, to considerable scrutiny.

Where OOCR agents' existing duties involve exposure to personal danger, we have endeavored to assign other law enforcement agencies, whose agents are regularly trained in the use of weapons, to the conduct of the investigations jointly with OOCR. In those instances where that is not possible, the Department has authorized special deputy U.S. Marshals status for individual agents. Moreover, OOCR agents are not ordinarily required to make arrests because the majority of arrests in Strike Force cases are made after the return of an indictment. For these reasons, the Department of Justice and the Administration oppose the statutory extension of arrest and gun-carrying authority to OOCR agents. No agency within the Department of Labor outside the Inspector General's office has stated its support for the extension of such authority to OOCR.

Domestic Security/Terrorism Guidelines

QUESTION:

You have recently proposed new guidelines to make it easier for the FBI to investigate groups that advocate violence to achieve social or political change. I understand this proposal is targeted to stop terrorist attacks. I support increased efforts to prevent terrorism but I wondered if you could answer one concern of mine in this regard.

I have seen reports that say this new rule would allow the FBI to move in and investigate almost any group that opposes actions of the Federal Government. Can you tell me how the lines will be drawn here? How will the Department make judgments on the advocacy of violence or the intent of criminal activity by a group? How do you counter the charges of those who say this rule will allow the FBI to begin spying on any group or organization it may choose?

ANSWER:

The new guidelines permit the FBI to investigate domestic security terrorism enterprises only when authorized by the FBI Director or Assistant Director on the basis of facts and circumstances reasonably indicating the existence of such an enterprise. Those subject to investigation are described in the guidelines as two or more persons engaged in an enterprise for the purpose of furthering political or social goals "wholly or in part through activities that involve force or violence and a violation of the criminal laws of the United States." Mere opposition to government policy does not meet this standard. To warrant an investigation there must be both the criminal nexus and the element of violence.

The guidelines do make clear that the FBI, in deciding when to investigate, may take into account the statements of the individuals themselves, considered in the context in which they are made. This is a recognition of the fact that some statements are themselves crimes, e.g., 18 U.S.C. 35 (false bomb threats). Others may constitute evidence of intent to commit crime. The guidelines and the instructions issued by the FBI to its field offices both emphasize that investigations should not be based on the proper exercise of First Amendment rights and that any statements considered when deciding whether to investigate must be considered in the context in which they are made.

These standards, together with the administrative controls and review procedures contained in the guidelines, ensure that the FBI will not be involved in "spying on any group or organization it may choose."

IRS Involvement in Drug Investigations

QUESTION:

I have read that the IRS is expanding its undercover operations and moving toward central intelligence gathering as part of a stepped-up

campaign against drug trafficking and phony tax shelters. Can you tell me how this came about and how the IRS investigators will be working in relation to the various drug investigation teams of the Department of Justice?

ANSWER:

The Department of Treasury can provide you with the necessary details regarding the Internal Revenue Service's (IRS) efforts against drug activities. In general, the IRS began to step up its efforts prior to the establishment of the Organized Crime Drug Enforcement (OCDE) program. In fact, over the past two years the IRS has increased investigations of narcotics trafficking. In 1982 it devoted 600 Special Agents to such cases. The OCDE Regional Task Forces have supplemented this effort with an additional 220 positions, of which 185 are Special Agents and 35 are support personnel.

The on-going IRS investigations primarily involve tax evasion and money laundering violations over which IRS has jurisdiction. More than half of these cases are joint investigations involving either the Drug Enforcement Administration or the U.S. Customs Service. It is possible that some of the cases initiated by the IRS could become Task Force cases if the nature of the investigations so warrant.

It is anticipated that the IRS, as a participant in the OCDE Task Force program, will continue to coordinate its activities with the various U.S. Attorneys. As I have repeatedly stated, the Departments of Justice and Treasury have had an excellent working relationship and have a firm commitment to achieving the goals of the OCDE effort.



U.S. Department of Justice

STATEMENT

OF

D. LOWELL JENSEN
ASSISTANT ATTORNEY GENERAL
CRIMINAL DIVISION

BEFORE

THE

COMMITTEE ON LABOR AND HUMAN RESOURCES
UNITED STATES SENATE

CONCERNING

THE ADEQUACY OF LAW ENFORCEMENT POWERS
AVAILABLE TO THE INSPECTOR GENERAL'S OFFICE OF
ORGANIZED CRIME AND RACKETEERING,
UNITED STATES DEPARTMENT OF LABOR

ON

FEBRUARY 3, 1983

I am pleased to be here today to present the views of the Department of Justice on the adequacy of law enforcement powers available to criminal investigative agents assigned to the Inspector General's Office of Organized Crime and Racketeering in the United States Department of Labor. These are agents who since 1978 have been assigned by the Labor Department to carry out that Department's participation in the organized crime program. Seventy five such Labor Department agents are currently assigned along with other criminal investigative agencies to assist the Justice Department's strike forces and United States Attorneys' offices with the investigation and prosecution of organized criminal activity related to labor unions and pension or welfare employee benefit plans. The work of these agents, whom I shall refer to as "Labor OC agents" for brevity's sake, has been clearly productive and has contributed significantly to the organized crime program. The Department holds the opinion that the law enforcement powers currently exercised by these agents are adequate to do the job which the agents are expected to perform.

As I advised the Senate Subcommittee on Labor one year ago when I testified on labor racketeering legislation proposed at that time, we believe that while there may have been problems in the past, the Labor Department is now cooperating with the organized crime program to a high degree. Although the level of their performance has varied over the past five years from strike force to strike force, we are pleased with the overall performance of the Labor OC agents insofar as they have endeavored to primarily focus

their investigative efforts on so-called "white collar crime" in labor unions, employee benefit plan affairs, and labor-management relations. The strengths which the Justice Department has sought and will continue to seek from these Labor OC agents lie primarily in their ability to deal with documentary evidence associated with these types of investigations, to understand the workings of the labor movement and its component organizations, and to develop sources of information within those organizations. A recently published list of labor racketeering prosecutions investigated by Labor OC agents since 1978 discloses that a large majority (approximately 70%) of such investigations involved the cooperation of other investigative agencies. Our figures indicate that approximately half of the open investigations in which Labor OC agents are currently engaged already involve the cooperation of other investigative agencies. We think that this experience reflects the fact that the Labor OC agents are able to obtain the assistance of the FBI and other criminal law enforcement agencies when required in particular cases.

Therefore, we think that the Justice Department's policy with respect to the authorization of Labor OC agents to act as deputy United States Marshals is a sound one. In general, we believe that the carrying of weapons by Labor OC agents should be restricted to those instances where the FBI or other criminal investigative agency, all of whose agents are regularly trained in the use of weapons, is unable to assist in situations where the personal safety of an informant is in jeopardy or where the personal safety

of an agent is endangered as the result of his investigative activities in a particular case. We think that this policy is consistent with the strike force concept that participating agencies will regularly cooperate and complement each others' efforts while maintaining their own respective areas of specialized expertise.

Since the vast majority of arrests are made in strike force labor racketeering cases only after an indictment or criminal information has been returned, arrest powers and the authority to carry weapons for the purpose of making arrests is not required for Labor OC agents. Where arrests are required, there is ample time to secure the cooperation of the United States Marshals Service or other federal law enforcement agencies in executing court-ordered arrests. In those rare instances where searches for documentary evidence were required as part of Labor OC investigations, the Marshal's Service or other federal law enforcement agencies with weapons have also cooperated in the execution of the searches.

On February 3, 1982, before the Subcommittee on Labor I also testified against applicable portions of proposed legislation which would have conferred authority on the Department of Labor, concurrently with the FBI and other investigative agencies, to investigate all criminal violations involving employee pension and welfare benefit plans. The legislative proposal, which was opposed by the Administration, would have authorized the Labor Department

to commence investigations under Title 18 and other provisions of the United States Code outside Title 29 for which existing memoranda of understanding between the Departments of Justice and Labor require a specific assignment of investigative responsibilities to Labor Department investigators on a case-by-case basis. We prefer to make these assignments in Title 18 on a case-by-case basis.

In general, we believe that proposals to expand the Labor Department's existing criminal investigative responsibilities in terms of broader subject matter or additional investigative procedures, such as those requiring weapons, may jeopardize certain important concepts which we think have contributed significantly to the successful investigation and prosecution of organized criminal elements in the labor-management and pension-welfare fields. I am speaking here of the close coordination of covert investigations involving undercover operations or judicially authorized electronic surveillance and the strict accountability of investigators to Justice Department supervisors, particularly in multi-district investigations. At present the Federal Bureau of Investigation exercises the primary responsibility among investigative agencies with respect to covert investigations of organized crime and labor racketeering. It does so within the organizational framework of the Justice Department and subject to the direct supervision of Justice Department administrators.

Although other investigative agencies like the Labor Department Inspector General's Office of Organized Crime and Racketeering can furnish vitally important expertise in connection with the internal operation of labor unions and employee benefit plans, which flows from the other regulatory responsibilities of the Labor Department, we do not believe that the expansion of responsibility in another investigative agency which duplicates the FBI's responsibility in regard to labor racketeering is an appropriate and wise course of action. We do think that the conduct of an organized crime investigative program with the Department of Labor as an efficient and cooperative partner which complements the role played by the FBI is the proper and desirable course of action.

The FBI is already performing covert investigations with considerable success. In order to continue to conduct its organized crime program efficiently, the FBI has advised that it needs to receive information of other agencies' investigative efforts in regard to organized crime members and associates on a regular and recurring basis. We agree that such intelligence is necessary if the FBI is to be able to meaningfully influence other agencies' decisions to commence their inquiries in regard to persons and organizations who may already be the subject of sensitive covert investigation by the FBI. We are hopeful that current discussions between the Labor Department's Office of Organized Crime and Racketeering and the FBI will result in even greater cooperative efforts between the two investigative agencies.

Finally, I would like to comment on our efforts to combat labor racketeering by organized criminal elements. Recent convictions involving labor-management corruption on the waterfront and in other industries have demonstrated the continuing need for federal legislation to address the problem of the infiltration of labor unions and their affiliated organizations by organized crime. In September 1982 the reputed number three man in the Chicago syndicate was sentenced along with seven other defendants who had held office in or who had been affiliated with the Laborers International Union of North America. At sentencing four of the defendants, including the reputed organized crime leader, who then held union office were removed under the forfeiture provisions of the Racketeer Influenced Corrupt Organizations (RICO) statute. The trial court was able to accomplish that removal because the defendants' conduct, in furtherance of a scheme to obtain kickbacks in return for awarding union insurance and health services business, was sufficiently pervasive to permit prosecution as a pattern of racketeering activity under the RICO statute. In addition, the organized crime leader was also sentenced to 20 years' imprisonment.

In December, 1982 another reputed organized crime street boss in the Chicago syndicate together with the General President of the Teamsters union, a service provider to the Teamsters' Central States Welfare Fund with reputed ties to organized crime, and two others, an employee and a trustee of the Teamsters' Central States Pension Fund, were convicted after trial for conspiracy to bribe

a United States Senator and other crimes in regard to a scheme involving deregulation in the trucking industry. The service provider was murdered two weeks ago. In this case, however, the government was not able to use any federal statute which would result in immediate removal from union office on conviction in the trial court. Because Section 504 of the Labor Management Reporting and Disclosure Act and Section 411 of the Employee Retirement Income Security Act do not permit the removal of a convicted individual until all his appeals are exhausted, the primary federal statute governing disqualification from union office or benefit plan position may not be invoked until many months after sentencing.

As the Attorney General testified last week before the Senate Judiciary Committee, disqualification from positions in labor unions, employer associations and employee pension or welfare benefit plans should become effective immediately upon conviction in the trial court. Similar legislation to that which the Attorney General was recommending as an additional tool in the fight against organized crime and labor racketeering was passed by the Senate last year as part of a proposed Labor Racketeering Act. The House failed to act on the bill. I urge this Committee to support such legislation in the 98th Congress. If this legislation had already been enacted into law, Section 504 of the LMRDA and Section 411 of ERISA would have immediately disqualified the individuals in both these cases from holding labor union or benefit plan office upon sentencing in the trial court.

In summary, for the reasons which I have discussed, the Department of Justice recommends against legislation which would require a change in the current allocation of investigative responsibilities among the several criminal law enforcement agencies which now participate in the organized crime program. We believe that the current allocation of investigative responsibilities strikes an appropriate balance among all the agencies charged with enforcement of the federal criminal laws dealing with labor racketeering. The Administration clearly and strongly endorses this position.

WEDNESDAY, MARCH 16, 1983.

GENERAL ADMINISTRATION

WITNESSES

KEVIN D. ROONEY, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION

CHARLES R. NEILL, CONTROLLER

JOHN R. SHAFFER, DIRECTOR, BUDGET STAFF

Mr. DWYER [presiding]. The next appropriation item that we shall consider for the Department of Justice is entitled "General Administration, Salaries and Expenses."

The request for fiscal year 1984 is \$56,364,000. This amount represents an increase of \$1,491,000 above the appropriation enacted to date for fiscal year 1983.

We shall insert at this point in the record the entire set of justification material submitted in support of this request.

[The budget justifications follow:]

DEPARTMENT OF JUSTICE

SUMMARY TABLES - 1984

TABLE OF CONTENTS

	<u>Page</u>
Summary of Permanent Positions and Budget Authority, 1982-1984.....	1
1984 Changes, Positions and Budget Authority.....	2
Summary of Changes.....	8
Summary of Changes in Selected Organizations.....	9
Summary of Requirements by Appropriation, 1983 and 1984.....	10
Gross Change 1983 Appropriation Enacted to 1984 Appropriation Request.....	11
Derivation of Budget Authority, 1982 and 1983.....	12
Summary of Requirements, 1984 increases over 1983.....	13
Legal Activities, Summary of Requirements, 1984 increase over 1983.....	14
Federal Prison System 1984 increase over 1983.....	15
Summary of Direct Obligations by Object Class for Appropriated Funding, 1982-1984.....	16
Summary of Outlays 1981-1984.....	17
Detail of Permanent Positions by Category, 1982-1984.....	18
Legal Activities, Detail of Permanent Positions by Category, 1982-1984.....	19
Bureaus, Detail of Permanent Positions by Category, 1982-1984.....	20
General Administration and Legal Activities, Number of Attorneys, 1982-1984.....	21
Uncontrollable Items.....	22
Summary of Changes in Justification Material.....	28

DEPARTMENT OF JUSTICE
Summary of Permanent Positions and Budget Authority 1982-1984
(Dollars in thousands)

APPROPRIATION	1982		1983		1984		Change from 1983 to 1984 Pos. Amount
	Pos.	Amount	Pos.	Amount	Pos.	Amount	
General Administration.....	723	\$42,274	929	\$56,704	943	\$56,364	14 -4340
U.S. Parole Commission.....	172	6,406	157	6,879	157	7,836	... 957
<u>Legal Activities:</u>							
General Legal Activities.....	2,754	130,405	2,743	140,848	2,801	160,440	58 19,592
Foreign Claims Settlement Commission.....	18	734	18	802	18	954	... 152
Antitrust Division.....	829	41,200	742	44,522	704	45,791	-38 1,269
U.S. Attorneys and Marshals.....	6,742	313,132	6,814	342,591	6,665	362,707	-149 20,116
Support of U.S. Prisoners.....	...	29,923	...	34,254	...	44,768	... 10,514
Fees and Expenses of Witnesses.....	...	32,671	...	35,700	...	38,266	... 2,566
Community Relations Service.....	100	5,727	88	5,967	88	6,314	... 347
Total, Legal Activities.....	10,443	553,792	10,405	604,684	10,276	659,240	-129 54,556
Organized Crime Drug Enforcement.....	...	...	...	127,500	20	105,949	20 -21,551
Federal Bureau of Investigation.....	19,456	767,009	19,479	853,319	19,940	1,055,690	461 202,371
Drug Enforcement Administration.....	3,953	241,709	3,953	255,496	3,948	275,623	35 20,127
Immigration and Naturalization Service.....	10,604	444,357	10,483	495,694	10,501	539,261	18 43,567
<u>Federal Prison System:</u>							
Salaries and Expenses.....	8,952	366,830	9,085	397,422	9,291	426,263	206 28,841
National Institute of Corrections.....	30	11,186	30	11,950	30	11,665	... 615
Buildings and Facilities.....	33	58,381	30	6,667	36	97,142	6 90,475
Total, Federal Prison System.....	9,015	436,397	9,145	415,139	9,357	535,070	212 119,931
Office of Justice Assistance.....	281	129,236	257	125,523	249	152,859	-8 27,336
TOTAL, DEPARTMENT OF JUSTICE.....	54,647	2,621,180	54,808	2,940,238	55,431	3,387,892	623 446,954

Account	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	2270	2271	2272	2273	2274	2275	2276	2277	2278	2279	2280	2281	2282	2283	2284	2285	2286	2287	2288	2289	2290	2291	2292	2293	2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	2315	2316	2317	2318	2319	2320	2321	2322	2323	2324	2325	2326	2327	2328	2329	2330	2331	2332	2333	2334	2335	2336	2337	2338	2339	2340	2341	2342	2343	2344	2345	2346	2347	2348	2349	2350	2351	2352	2353	2354	2355	2356	2357	2358	2359	2360	2361	2362	2363	2364	2365	2366	2367	2368	2369	2370	2371	2372	2373	2374	2375	2376	2377	2378	2379	2380	2381	2382	2383	2384	2385	2386	2387	2388	2389	2390	2391	2392	2393	2394	2395	2396	2397	2398	2399	2400	2401	2402	2403	2404	2405	2406	2407	2408	2409	2410	2411	2412	2413	2414	2415	2416	2417	2418	2419	2420	2421	2422	2423	2424	2425	2426	2427	2428	2429	2430	2431	2432	2433	2434	2435	2436	2437	2438	2439	2440	2441	2442	2443	2444	2445	2446	2447	2448	2449	2450	2451	2452	2453	2454	2455	2456	2457	2458	2459	2460	2461	2462	2463	2464	2465	2466	2467	2468	2469	2470	2471	2472	2473	2474	2475	2476	2477	2478	2479	2480	2481	2482	2483	2484	2485	2486	2487	2488	2489	2490	2491	2492	2493	2494	2495	2496	2497	2498	2499	2500	2501	2502	2503	2504	2505	2506	2507	2508	2509	2510	2511	2512	2513	2514	2515	2516	2517	2518	2519	2520	2521	2522	2523	2524	2525	2526	2527	2528	2529	2530	2531	2532	2533	2534	2535	2536	2537	2538	2539	2540	2541	2542	2543	2544	2545	2546	2547	2548	2549	2550	2551	2552	2553	2554	2555	2556	2557	2558	2559	2560	2561	2562	2563	2564	2565	2566	2567	2568	2569	2570	2571	2572	2573	2574	2575	2576	2577	2578	2579	2580	2581	2582	2583	2584	2585	2586	2587	2588	2589	2590	2591	2592	2593	2594	2595	2596	2597	2598	2599	2600	2601	2602	2603	2604	2605	2606	2607	2608	2609	2610	2611	2612	2613	2614	2615	2616	2617	2618	2619	2620	2621	2622	2623	2624	2625	2626	2627	2628	2629	2630	2631	2632	2633	2634	2635	2636	2637	2638	2639	2640	2641	2642	2643	2644	2645	2646	2647	2648	2649	2650	2651	2652	2653	2654	2655	2656	2657	2658	2659	2660	2661	2662	2663	2664	2665	2666	2667	2668	2669	2670	2671	2672	2673	2674	2675	2676	2677	2678	2679	2680	2681	2682	2683	2684	2685	2686	2687	2688	2689	2690	2691	2692	2693	2694	2695	2696	2697	2698	2699	2700	2701	2702	2703	2704	2705	2706	2707	2708	2709	2710	2711	2712	2713	2714	2715	2716	2717	2718	2719	2720	2721	2722	2723	2724	2725	2726	2727	2728	2729	2730	2731	2732	2733	2734	2735	2736	2737	2738	2739	2740	2741	2742	2743	2744	2745	2746	2747	2748	2749	2750	2751	2752	2753	2754	2755	2756	2757	2758	2759	2760	2761	2762	2763	2764	2765	2766	2767	2768	2769	2770	2771	2772	2773	2774	2775	2776	2777	2778	2779	2780	2781	2782	2783	2784	2785	2786	2787	2788	2789	2790	2791	2792	2793	2794	2795	2796	2797	2798	2799	2800	2801	2802	2803	2804	2805	2806	2807	2808	2809	2810	2811	2812	2813	2814	2815	2816	2817	2818	2819	2820	2821	2822	2823	2824	2825	2826	2827	2828	2829	2830	2831	2832	2833	2834	2835	2836	2837	2838	2839	2840	2841	2842	2843	2844	2845	2846	2847	2848	2849	2850	2851	2852	2853	2854	2855	2856	2857	2858	2859	2860	2861	2862	2863	2864	2865	2866	2867	2868	2869	2870	2871	2872	2873	2874	2875	2876	2877	2878	2879	2880	2881	2882	2883	2884	2885	2886	2887	2888	2889	2890	2891	2892	2893	2894	2895	2896	2897	2898	2899	2900	2901	2902	2903	2904	2905	2906	2907	2908	2909	2910	2911	2912	2913	2914	2915	2916	2917	2918	2919	2920	2921	2922	2923	2924	2925	2926	2927	2928	2929	2930	2931	2932	2933	2934	2935	2936	2937	2938	2939	2940	2941	2942	2943	2944	2945	2946	2947	2948	2949	2950	2951	2952	2953	2954	2955	2956	2957	2958	2959	2960	2961	29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- Exhibit increases of \$46,000,000 for the 192,000 to provide additional investigative resources for the Federal Bureau of Investigation's highest priority field programs, including foreign counterintelligence, primarily the purchase and installation of voice privacy radio systems. An additional 57 positions and \$20,754,000 for technical equipment made, primarily the purchase and installation of voice privacy radio systems. Increases of 93 positions and \$38,413,000 for the FBI's RFP and telecommunications programs, including developments of investigative support information system.
- A reduction of 116 non-agent positions, but a funding increase of \$41,740,000 to complete the third phase of the FBI's Automated Identification Division System (AIDS).
- Reestablishment of a specially trained House Team.
- Unrecoverable increases of \$41,989,000, including \$4.8 million to provide funds for 224 already authorized but unfilled special agent workyears.
- Unrecoverable decreases of \$10,174,000, a major portion of which (\$6,350) is associated with certain equipment and AIDS studies funds provided to a 1983 award.
- An increase of 9 positions and \$660,000 in the Foreign Connections Investigations program to place agents in source countries where they have a significant impact on curbing illicit drug trafficking.
- \$1,760,000 for the purchase of 300 mobile radios and 300 portable radios to replace outdated equipment.
- Ten positions and \$1,972,000 for RFP and telecommunications support.
- \$4,460,000 of which \$405,000 is related to the later model vehicle procurement plan and \$4,055,000 will provide for the purchase of two replacement motor vehicles that are necessary due to the condition of existing fleet.
- Sixteen positions and \$2,643,000 for USA Laboratory services, replacement of technical equipment, provision of guard services and increased personnel support to meet the increased workload resulting from FBI drug enforcement activities.
- Unrecoverable adjustments of \$8,412,000.
- Increase reflects the transfer of \$12,716,000 to Treasury Department appropriations.
- Unrecoverable increases of \$42,760,000 which are primarily to fund on a full-year basis reimbursable positions in the FBI, DEA and U.S. Attorney General in 1982.
- Net decreases of \$18,800,000 for continuation of the FBI and DEA bonded services development (\$6,800,000 for absorption in 1983 of the Coast Guard involvement in the "Blue Arrow" effort (1-83), for the Cooperative Agreement Program (CAMP) and for completion of the Federal prison expansion projects (1983).
- Twenty six positions and \$2,369,000 for Presidential Commission on Organized Crime.
- Unrecoverable decreases of \$24,939,000 for equipment and construction costs.

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Conclusions

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BUREAU, DIVISION, OFFICE	1963		1964		Change		Budget Authority
	Pos.	Amount	Pos.	Amount	Pos.	Amount	

Federal Prison System:							
Subtotal, Federal Prison System	9,486	8,997,822	9,421	8,226,464	66	771,358	97.4
National Institute of Corrections	3	11,099	3	11,466	0	367	97.6
Buildings and Facilities	30	6,667	30	27,142	0	20,475	21,281.1
Total, Federal Prison System	9,519	15,766	9,454	8,504,072	65	2,261,815	23,562.5

- Eight positions and \$81,425,000 is being requested to acquire sites for construction of new Federal Prison System facilities. The new facilities will be constructed in California, Texas, and Arizona. The new facilities will be constructed in California, Texas, and Arizona. The new facilities will be constructed in California, Texas, and Arizona.
- Three positions and \$4,429,000 to continue the Lawrenceville conversion project.
- \$6,096,000 to maintain an average daily population of 2,075 in community treatment centers for an average length of stay of 100 days.
- \$1,379,000 for added demands of increased inmate population.
- Seventy positions and \$1,573,000 to activate a chronic care unit at the Springfield, Missouri Medical Center.
- Twenty-two positions and \$89,000 to extend 24-hour/16-hour medical coverage to all institutions lacking such coverage.
- Sixty-six positions associated with the housing of Cuban detainees in Federal facilities.
- Transfer of 46 positions from HHS to allow direct hire of medical personnel to replace use of Public Health Service Hospital System personnel.
- Uncontrollable increase of \$2,121,000.
- Decrease of five positions for the close out of completed buildings and facilities projects.
- Minority decrease of \$2,751,000.
- Increase of \$5,000,000 to fund additional jail days for an increase of 100,000 inmates and to stabilize the shift of those prisoners to Federal facilities.
- Uncontrollable increase of \$6,764,000.
- Decrease of \$1,250,000 for Cooperative Agreement Program (CAP) reflects CAP funding under the Organized Crime Drug Enforcement Appropriation in 1964.

Report of U.S. Prisoners 34,254 ... 34,768 ... +514

..... +30.7

BUREAU, DIVISION, OFFICE	1963		1964		CHANGE		Budget Authority Fct. Change
	Pos.	Amount	Pos.	Amount	Pos.	Amount	
Office of Justice Assistance.....	257	\$125,523	249	\$152,879	-8	+\$27,356	+21.8
<ul style="list-style-type: none">To establish a \$90,000,000 State and local assistance program on a 50/50 match basis supporting local law enforcement programs of proven effectiveness.An increase of 83 positions and \$1,324,000 to provide administrative support for the new grant program.A program increase of \$1,700,000 to pay all eligible Public Safety Officers' Benefit Program claims.An increase of \$1,700,000 for the Bureau of Justice Statistics.Elimination of the Juvenile Justice grant program for a reduction of \$67,600,000.A net increase of \$212,000 and a decrease of 51 positions to fund uncontrollable requirements.Twenty-two positions and \$20,244,000 to acquire equipment for the implementation of the long-range Air Plan and to augment and repair police radio, lifeline instruction and other communications equipment.\$10,809,000 to implement a National Records Center and an Eastern Regional Telephone Center.\$5,480,000 to fund inspectional overtime costs under the 1931 Overtime Act, to augment the inspection workforce for the 1964 Olympics and to staff the new Olay Mesa, California, port-of-entry.Transfer of four positions and \$250,000 to the Civil Division to upgrade its immigration litigation activities and \$1,514,000 to the Executive Office for Immigration Review (EOIR) associated with the 1963 transfer of Immigration and Naturalization Service's judicial review function to EOIR.Decrease of \$10,000,000 associated with the closure of the Fort Allen Puerto Rico Service Processing Center and of \$1,199,000 in the Reception, Processing and Care program.Uncontrollable increase of \$19,675,000.							
Immigration and Naturalization Service. 10,483	\$5,694	10,501	539,261	+18	+\$3,567	+4.8	

BUREAU, DIVISION, OFFICE	1983		1984		Change		Budget Authority F.Y. 1984
	Pos.	Reserve	Pos.	Reserve	Pos.	Reserve	
General Legal Activities:							
Solicitor General.....	40	31,399	45	31,397	..	+4178	46.3
Tax Division.....	541	24,699	520	26,133	-21	+1,644	46.7
Criminal Division.....	744	31,446	741	30,130	-3	+1,604	46.1
Civil Division.....	651	34,539	702	44,815	+51	+10,276	+29.8
Land and Natural Resources Division.....	326	19,466	326	30,730	..	+11,264	46.5
Office of Legal Counsel.....	35	1,966	35	2,146	..	+180	46.7
Civil Rights Division.....	29	11,753	37	11,879	+8	+126	46.7
Immigration Division.....	27	1,120	27	1,120	..	+230	46.0
Total, General Legal Activities.....	2,743	140,148	2,801	168,140	+58	+19,592	43.9
Attorney Division.....	712	44,322	704	45,701	-8	+1,369	42.9
Peace and Expenses of Witnesses.....	...	35,700	...	38,266	...	+2,566	47.2
Community Relations Service.....	86	5,967	86	6,318	...	+347	45.8

- The request includes a net transfer into the appropriation of 34 positions and \$1,380,000. Thirty-eight positions and \$1,641,000 transfers to the Civil Division from Attorney Division for consumer affairs litigation. Four positions and \$250,000 transfers to the Civil Division from the Immigration and Naturalization Service for civil litigation. A transfer of 8 positions and \$251,000 from Tax, Criminal and Civil Rights Divisions to AD is required for library consolidation.
- The request includes a net uncontrollable increase of \$9,283,000.
- Increases of \$977,000 in Criminal Division are requested to expand data and word processing capabilities and allow hire of experienced prosecutors.
- New positions and \$7,057,000 are requested in the Civil Division primarily for office automation improvements and expanding AD systems.
- An increase of 15 positions and \$487,000 in Civil Rights Division is requested for increased workload in voting rights and in civil rights prosecution and to improve information management and automated support.
- The request provides for the transfer of 38 positions and \$1,641,000 for consumer affairs litigation to Civil Division, and an uncontrollable change of \$2,566,000.
- Request levels will satisfy requirements of all litigating organizations that use this appropriation for payment of fees and expert witnesses, protection of witnesses in sensitive cases, and marital conspiracy examinations for defendants.
- Request includes net uncontrollable increases and decreases of \$356,000. A program increase of \$81,000 is for a data/word processing system.

BUREAU, DIVISION, OFFICE	1983		1984		Change		Budget Authority
	Pos.	Amount	Pos.	Amount	Pos.	Amount	
GENERAL ADMINISTRATION.....	929	\$56,704	943	\$56,364	14	-\$340	-0.1
<p>• A \$42,000 increase for the Federal Justice Research Program is requested to continue projects in the areas of immigration policy, drug enforcement and violent crime.</p> <p>• A program enhancement of \$1,000,000 for Justice Management Division is requested to upgrade the Department's automated administrative control system.</p> <p>• A transfer to the appropriation of 14 positions and \$974,000. Eight positions and \$673,000 is from the General Legal Activities appropriation and involves the consolidation of library functions. Six positions and \$306,000 is for a transfer of systems oversight and policy functions from the Working Capital Fund.</p> <p>• A program reduction of \$9,800,000 is requested since the Department is not requesting the 1984 funding for the State and Local Drug Court program.</p> <p>• Uncontrollable increase of \$6,186,000 and uncontrollable decrease of \$138,000.</p> <p>• Requested level includes uncontrollable increase of \$152,000 and will permit continuation of both the Vietnam and the Cambodia-Vietnam claims programs.</p> <p>• Request includes \$747,000 in net uncontrollable increases and decreases. A program increase of \$340,000 is for transcription services and training.</p>							
Foreign Claims Settlement Commission...	10	804	10	954	...	\$152	\$19.0
United States Parole Commission.....	157	6,879	157	7,836	...	\$957	\$13.2
Total, Appropriated.....	59,808	2,494,948	59,831	2,507,092	423	\$126,144	\$15.2

DEPARTMENT OF JUSTICE
SUMMARY OF CHANGES
(Dollars in thousands)

Appropriation	1983		Transfers		Net Uncontrollable		Net Program		1984	
	Pos.	Budget Authority	Pos.	Budget Authority	Pos.	Budget Authority	Pos.	Budget Authority	Pos.	Budget Authority
General Administration.....	929	\$56,704	14	\$879	...	\$5,852	...	...	943	\$56,364
U.S. Parole Commission.....	157	6,879	...	...	...	747	...	...	157	7,836
General Legal Activities.....	2,743	140,848	34	1,380	...	9,283	24	8,929	2,801	160,440
Antitrust Division.....	742	44,522	-38	-1,681	...	2,950	...	...	704	45,791
Foreign Claims Settlement Commission..	18	802	...	...	...	152	...	...	18	954
U.S. Attorneys and Marshals.....	6,814	342,591	5	...	...	22,045	-154	-1,929	6,665	362,707
Support of Prisoners.....	...	34,254	...	...	...	5,514	...	5,000	...	44,768
Fees and Expenses of Witnesses.....	...	35,700	...	...	...	1,421	...	1,145	...	38,266
Community Relations Service.....	88	5,967	...	...	...	266	...	81	88	6,314
Organized Crime Drug Enforcement.....	...	127,500	...	-12,716	...	-30,135	20	21,300	20	105,949
Federal Bureau of Investigation.....	19,479	853,319	...	...	...	31,819	461	170,552	19,940	1,055,690
Immigration and Naturalization Service..	10,483	495,694	-4	-1,764	...	19,675	22	25,656	10,501	539,261
Drug Enforcement Administration.....	3,953	255,496	...	...	...	8,612	35	11,515	3,988	275,623
Federal Prison System:										
Salaries and Expenses.....	9,085	397,422	46	...	...	19,304	160	9,537	9,291	426,263
National Institute of Corrections.....	30	11,050	...	...	...	615	...	...	30	11,665
Buildings and Facilities.....	30	6,667	...	...	-5	451	11	90,024	36	97,142
Total, FFS.....	9,145	415,139	46	...	-5	20,370	171	99,561	9,357	535,070
Office of Justice Assistance.....	257	125,523	...	...	-51	212	43	27,124	249	152,859
TOTAL, DEPARTMENT OF JUSTICE.....	54,808	2,940,938	57	-13,902	-56	98,783	622	362,073	55,431	3,387,892

DEPARTMENT OF JUSTICE
SUMMARY OF CHANGES IN SELECTED ORGANIZATIONS
(Dollars in thousands)

APPROPRIATION	FY 1983		Transfers		Net Uncontrollable		Net Program		FY 1984	
	Pos.	Budget Authority	Pos.	Budget Authority	Pos.	Budget Authority	Pos.	Budget Authority	Pos.	Budget Authority
<u>General Administration</u>										
Department Leadership.....	56	\$4,082	...	...	...	\$453	...	...	56	\$4,535
Executive Support.....	66	3,828	...	...	...	274	...	...	66	4,102
Intelligence Planning and Policy.....	22	1,247	...	...	...	101	...	...	22	1,348
Justice Management Division.....	538	29,329	14	\$879	...	1,716	...	\$1,900	552	33,824
Administrative Review and Appeals.....	247	8,468	...	...	...	3,250	...	...	247	11,758
Federal Justice Research Program.....	...	350	...	...	...	18	...	...	...	797
State and Local Drug Grant.....	...	9,400	...	...	...	...	...	-9,400	...	...
Total, General Administration.....	929	56,704	14	879	...	5,852	...	-7,071	943	56,364
<u>General Legal Activities</u>										
Solicitor General.....	45	3,349	...	...	...	178	...	...	45	3,527
Tax.....	541	24,699	-4	-248	...	1,892	...	...	537	26,343
Criminal.....	744	36,446	-2	-407	...	3,114	...	...	741	40,130
Civil.....	651	34,539	42	2,158	...	1,051	9	7,067	702	44,815
Land & Natural Resources.....	336	19,456	...	...	...	1,274	...	...	336	20,730
Legal Counsel.....	35	1,986	...	...	...	160	...	...	35	2,146
Civil Rights.....	385	19,233	-2	-123	...	1,295	15	885	399	21,200
INTERPOL.....	6	1,140	...	...	...	319	...	...	6	1,459
Total, General Legal Activities.....	2,743	140,848	34	1,380	...	9,283	24	8,929	2,801	150,440
<u>U.S. Attorneys and Marshals</u>										
U.S. Attorneys.....	4,560	227,452	5	...	...	17,333	32	3,488	4,597	248,273
U.S. Trustees.....	167	7,096	...	...	...	565	-167	-8,261	...	...
U.S. Marshals.....	2,087	107,443	...	...	...	4,147	-19	2,844	2,068	114,434
Total, U.S. Attorneys & Marshals.....	6,814	342,591	5	...	...	22,045	-154	-1,929	6,665	362,707

DEPARTMENT OF JUSTICE
Summary of Requirements by Appropriation, 1983 and 1984
(Dollars in thousands)

Appropriation	1983				1984			
	Perm. Pos.	Work- years ¹	Budget Authority	Oblig.	Perm. Pos.	Work- years ¹	Budget Authority	Oblig.
General Administration.....	929	949	\$56,704	\$57,564	943	1,054	\$56,364	\$56,364
Working Capital Fund.....	...	410	...	...	...	446	...	...
U.S. Parole Commission.....	157	161	6,879	6,879	157	158	7,836	7,836
Legal Activities:								
General Legal Activities.....	2,743	2,805	140,848	140,848	2,801	2,873	160,440	160,440
Foreign Claims Settlement Commission..	18	699	802	886	18	12	954	954
Antitrust Division.....	742	19	44,522	44,522	704	686	45,791	45,791
U.S. Attorneys and Marshals.....	6,814	7,032	342,591	342,591	6,665	7,125	362,707	362,707
Support of U.S. Prisoners.....	...	...	34,254	34,254	...	...	44,768	44,768
Fees and Expenses of Witnesses.....	...	...	35,700	35,700	...	...	38,266	38,266
Community Relations Service.....	88	92	5,967	5,967	88	92	6,314	6,314
Total, Legal Activities.....	10,405	10,707	604,684	604,768	10,276	10,795	659,280	659,280
Organized Crime Drug Enforcement ².....	...	130	127,500	113,844	20	269	105,949	101,613
Federal Bureau of Investigation.....	19,479	19,741	853,319	857,439	19,940	20,362	1,055,690	1,037,690
Drug Enforcement Administration.....	3,953	3,982	255,496	256,939	3,988	4,123	275,623	275,623
Immigration and Naturalization Service..	10,483	10,700	445,694	502,764	10,501	10,711	539,261	539,261
Federal Prison System:								
Salaries and Expenses.....	9,045	8,930	397,422	397,422	9,291	9,131	426,263	426,263
National Institute of Corrections.....	30	30	11,050	11,050	30	30	11,665	11,665
Buildings and Facilities.....	30	26	6,667	50,274	36	44	97,142	43,796
Federal Prison Industries.....	...	794	...	...	...	804	...	...
Commissary Fund.....	...	76	...	...	...	76	...	...
Total, Federal Prison System.....	9,145	9,856	415,139	458,746	9,357	10,085	535,070	481,724
Office of Justice Assistance.....	257	267	125,523	146,067	249	246	152,059	152,059
TOTAL, DEPARTMENT OF JUSTICE.....	54,808	56,903	2,940,938	3,005,010	55,431	58,249	3,387,892	3,312,210

¹Includes reimbursable workyears.

²Reflects 250 workyears held in reserve to be earned by the Federal agencies participating in the Task Force operations.

DEPARTMENT OF JUSTICE

Gross Change 1983 Appropriation Invacted to 1984 Appropriation Request
(Dollars in thousands)

BUREAU, DIVISION, OFFICE	1983 Approp. Pos.	1983 Approp. Amount	1984 Request Pos.	1984 Request Amount	Increase/Decrease Pos.	Increase/Decrease Amount	Percent Change Pos.	Percent Change Amount
General Administration.....	929	\$56,704	943	\$56,364	14	-\$340	1.5	-0.6
United States Parole Commission.....	157	6,879	157	7,836	...	957	...	13.9
Legal Activities:								
General Legal Activities.....	2,743	140,848	2,801	160,440	58	19,592	2.1	13.9
Foreign Claims Settlement Commission.....	18	802	18	954	...	152	...	19.0
Antitrust Division.....	742	44,522	704	45,791	-38	1,269	-5.1	2.9
U.S. Attorneys and Marshals.....	6,814	342,591	6,665	362,707	-149	20,116	-2.2	-5.9
Support of U.S. Prisoners.....	...	34,254	...	44,768	...	10,514	...	30.7
Fees and Expenses of Witnesses.....	...	35,700	...	38,266	...	2,566	...	7.2
Community Relations Service.....	88	5,957	88	6,314	...	347	...	5.8
Total, Legal Activities.....	10,805	604,684	10,276	659,240	-129	54,556	-1.2	9.0
Organized Crime Drug Enforcement.....	...	127,500	20	105,949	20	-21,551	---	-16.9
Federal Bureau of Investigation.....	19,479	853,319	19,940	1,055,690	461	202,371	2.4	23.7
Drug Enforcement Administration.....	3,953	255,496	3,988	275,623	35	20,127	0.9	7.9
Immigration and Naturalization Service.....	10,483	495,694	10,501	539,261	18	43,567	0.2	8.8
Federal Prison System:								
Salaries and expenses.....	9,045	397,422	9,291	426,263	206	28,841	2.3	7.3
National Institute of Corrections.....	30	11,050	30	11,665	...	615	...	5.6
Buildings and Facilities.....	30	6,667	36	97,142	6	90,475	20.0	1,357.1
Total, Federal Prison System.....	9,105	415,139	9,357	535,070	212	119,931	2.3	28.9
Office of Justice Assistance.....	257	125,523	249	152,959	-8	27,336	-3.1	21.8
TOTAL, DEPARTMENT OF JUSTICE.....	54,808	2,940,938	55,431	3,387,892	623	446,954	1.1	15.2

DEPARTMENT OF JUSTICE
Derivation of Budget Authority
(In thousands of dollars)

Appropriation	1962				1963			
	Continuing Resolution	Pay	Supplemental (P.L. 97-257) Transfer of Undisposed Budget Balance	Transfer of Budget Authority	Continuing Resolution	Pay	Supplemental (P.L. 97-377) Transfer of Budget Authority	Transfer of Budget Authority
General Administration	41,253	1,041	...	...	...	...	54,873	1,831
U.S. Parole Commission	6,200	206	...	...	...	...	6,643	216
Legal Activities:								
General Legal Activities	123,400	5,022	...	1,800	...	...	136,126	4,720
Foreign Claims Settlement Commission	705	29	...	...	...	...	714	28
Antitrust Division	44,000	...	...	-2,800	...	...	43,389	1,133
U.S. Attorneys and Marshals Service	291,920	12,167	...	...	...	...	313,142	10,810
Support of U.S. Prisoners	24,100	...	...	...	...	...	29,923	...
Hearings and Examinations of Witnesses	27,921	...	...	...	...	...	34,254	...
Community Relations Service	5,500	227	...	...	...	...	5,764	203
Total, Legal Activities	517,376	17,445	...	-1,000	...	...	586,590	16,894
Organized Crime Drug Enforcement	...	...	...	...	...	...	127,500	...
Federal Bureau of Investigation	739,609	23,000	...	...	...	...	865,154	28,165
Drug Enforcement Administration	230,849	6,000	...	...	...	...	246,162	7,334
Immigration and Naturalization Service	426,557	12,000	...	3,800	...	...	484,831	11,263
Federal Prison System:								
Shirley and Associates	353,000	6,100	...	7,000	...	...	387,049	10,373
National Institute of Corrections	11,186	...	...	...	...	...	11,186	...
Buildings and Facilities	13,741	...	...	...	...	...	13,741	...
Total, Federal Prison System	377,927	6,700	...	8,000	...	...	424,831	10,373
Office of Justice Assistance:								
Research and Statistics	93,554	...	...	...	...	...	93,554	...
Law Enforcement Assistance	3,000	232	...	...	...	...	3,232	...
Research and Statistics	136,574	...	...	...	...	...	136,574	...
Total, OJAS	232,528	232	...	...	...	...	232,528	...
TOTAL, DEPARTMENT OF JUSTICE	2,470,275	66,392	3,582	10,800	(1,000)	70,111	2,617,598	76,076

where supplemental enacted carryover funding as follows: FBI, \$5,000,000; DEA, \$1,000,000; and INS \$2,104,000. This funding was interpreted by (DE) and the Treasury Department as reappropriation.

Transferred from District of Columbia government (P.L. 97-318).

Transferred from the Department of Health and Human Services for reception, processing and care of Cuban/Mexican entrants.

Obtained by transfer of reversionary funds from the Law Enforcement Assistance Administration (LEAA) programs.

Other Crime Survey for the District of Columbia which was funded by transfer of reversionary funds from LEAA programs.

General Description	U.S. Payroll		Total Payroll		Organized Labor Payroll		Federal Bureau of Investigation Payroll		Drug Enforcement Administration Payroll		Immigration & Naturalization Service Payroll		National Personnel Administration Payroll		Office of Justice Administration Payroll	
	Actual	Estimated	Actual	Estimated	Actual	Estimated	Actual	Estimated	Actual	Estimated	Actual	Estimated	Actual	Estimated	Actual	Estimated
1962 obligation.....	723	841,875	172	86,494	10,443	870,174	1,923	841,376	10,604	841,157	9,015	808,756	281	811,260
1963 as amended.....	929	54,875	157	6,665	10,481	56,594	3,993	286,162	10,483	884,831	9,185	804,766	257	15,523
1963 pay supplemental requested.....	...	1,831	...	216	7,314	...	11,283	...	30,373	...	78,076
Transfers to and from other accounts.....
1963 appropriation anticipated.....	929	56,704	157	6,879	10,425	604,048	3,923	626,946	10,483	869,194	9,185	815,139	277	125,243
1964 estimate.....	921	56,854	157	7,036	10,476	604,230	3,888	626,921	10,521	872,351	9,227	820,070	279	132,892
Change 1964 from 1963.....	13	-180	...	267	-129	24,226	6	20,127	18	33,267	42	119,931	-8	27,336
Adjustments by laws and built-in changes
Unavailable increases:
Amortization of 1963 pay increase.....	...	265	...	70
Amortization of 1963 pay increase.....
Amortization of Medicare costs.....
Amortization of additional positions approved in 1963.....	...	2,756	...	11
Administrative salary increases.....
Health insurance costs.....
Federal Employees' Compensation Act (FECA) increases.....
Companion.....
Social Security reauthorization.....
Older workers reauthorization.....	...	2,021
Older workers reauthorization.....
Federal Telecommunications System (FTS) reauthorization.....
CAP reauthorization.....
CAP reauthorization.....
CAP reauthorization.....
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Federal Prison System
Analysis of an Increase of \$119,931,000
(Dollars in thousands)

	Salaries and Benefits	National Institute of Corrections	Buildings and Facilities	Total
	1983 Estimate	1983 Estimate	1983 Estimate	1983 Estimate
1982 obligations.....	8,924 \$363,163	30 \$11,222	33 \$14,371	9,015 \$888,756
1993 as enacted.....	9,095 397,049	30 11,050	30 6,667	9,115 \$914,766
1993 pay supplemental requested.....	...	10,373	...	10,373
1993 appropriation anticipated.....	9,095 397,422	30 11,050	30 6,667	9,115 \$915,139
1983 estimate.....	9,231 \$36,263	30 11,662	36 97,142	9,297 \$56,070
Change 1984 from 1983.....	206 28,841	...	6 90,875	212 119,931
Summary of Changes				
Adjustments to base transfer from Health and Human Services.....	46	...	...	46
Uncontrollable increases:				
Annualization of 1983 pay increase.....	1,695	...	...	1,695
Annualization of executive level pay increase.....	61	...	...	61
Annualization of Medicare costs.....	631	...	...	631
Annualization of positions approved in 1983.....	1,503	...	...	1,503
Within-grade increases.....	1,969	...	...	1,969
Health benefits costs.....	886	...	...	886
Federal Employees Compensation Act (FECA).....	1,344	...	...	1,344
Workers' Compensation.....	970	...	...	970
Standard level user charges (SLUC).....	38	...	...	38
General Accounting Office (GAO).....	320	...	...	320
Federal Telecommunications System (FTS).....	20	...	...	20
Telephone system line charges.....	3	...	...	3
GPO printing costs.....	59	...	...	59
Employee data and payroll services.....	211	...	...	211
Pull-field investigations.....	7,160	...	...	7,160
General pricing level adjustment.....	1,034	...	...	1,034
Population adjustment.....	2,963	...	...	2,963
Utilities cost increase.....	474	...	...	474
FIS indirect pay costs.....	28,047	...	...	28,047
Total, uncontrollable increases.....	...	633	...	633
Decreases:				
One less compensable day.....	-478	...	...	-478
Nonrecurring costs for change in hourly rate.....	-717	...	...	-717
Nonrecurring facilities activation costs.....	-708	...	...	-708
Department telecommunications redistribution.....	-340	...	...	-340
Nonrecurring positions associated with closed projects.....	...	...	...	...
Total, decreases.....	-2,143	...	...	-2,143
Total, adjustments to base.....	46 19,348	...	...	46 19,348
Change 1984 from 1983.....	160 9,537	...	11 90,024	171 99,561
Change 1984 from 1983.....	206 28,841	...	6 90,875	212 119,931

DEPARTMENT OF JUSTICE
Summary of Direct Obligations by Object Class for Appropriated Funding
1982 - 1984
(In thousands of dollars)

OBJECT CLASSIFICATION	1982 Actual	1983 Estimate	1984 Estimate	1984 Increase or Decrease over 1983	
				Amount	Percent
11 Personnel compensation.....	\$1,478,686	\$1,587,261	\$1,645,985	\$58,724	3.7
12 Personnel benefits.....	171,305	206,531	225,106	18,575	9.0
13 Benefits for former personnel.....	1,309	2,488	2,794	306	12.3
21 Travel and transportation of persons...	84,810	105,044	111,239	6,195	5.9
22 Transportation of things.....	10,555	13,371	14,263	892	6.7
23.1 Standard level user charges.....	119,106	121,244	164,007	42,763	35.3
23.2 Communications, utilities, and other rent.....	116,729	140,353	164,561	24,208	17.2
24 Printing and reproduction.....	11,107	13,566	14,042	476	3.5
25 Other services.....	285,954	485,804 ^a	515,941 ^a	30,137	6.2
26 Supplies.....	99,112	112,219	119,583	7,364	6.6
31 Equipment.....	82,544	100,876	204,413	103,537	102.6
32 Lands and structures.....	1,306	2,413	4,951	2,538	105.2
41 Grants, subsidies and contributions...	87,301	100,548	112,118	11,570	11.5
42 Insurance claims and indemnities.....	11,191	13,133	13,048	-85	-7
44 Refunds.....	28	19	19	...	...
91 Unvouchered.....	27	140	140	...	...
TOTAL, OBLIGATIONS.....	2,561,070	3,005,010	3,312,210	307,200	10.2
FINANCING					
Unobligated balance, start of year.....	-42,322	-90,022	-30,483		
Uncontrollable balance transfers.....	...	-4,533	...		
Unobligated balance, end of year.....	90,022	30,483	106,165		
Unobligated balance, lapsing.....	12,415	...	...
Recoveries of prior year obligations.....	-5	...	...
Total appropriation (Adjusted).....	2,621,180	2,940,938	3,387,892		

^a Includes obligations for the Organized Crime Drug Enforcement task force program which will be earned by other law enforcement agencies.

DEPARTMENT OF JUSTICE
Summary of Outlays
1981 - 1984
(In thousands of dollars)

APPROPRIATION	1981 Actual	1982 Actual	1983 Estimate	1984 Estimate
General Administration				
Salaries and Expenses.....	\$36,940	\$39,473	\$52,763	\$54,652
Consolidated Working Fund.....	16	-6,889	...	...
Working Capital Fund.....	1,313	3,179	5,179	5,271
Total, General Administration.....	38,259	32,588	58,513	53,881
U.S. Parole Commission	6,514	6,180	6,734	7,677
Legal Activities				
General Legal Activities.....	120,159	125,579	136,179	157,138
Foreign Claims Settlement Commission.....	818	42,636	43,872	46,102
Antitrust Division.....	49,386	646	831	978
United States Attorneys and Marshals.....	269,243	310,562	335,739	355,473
Support of United States Prisoners.....	23,020	27,662	32,489	44,504
Press and Expenses of Witnesses.....	29,527	28,794	35,106	37,500
Community Relations Service.....	5,567	5,527	5,872	6,255
Total, Legal Activities.....	517,820	517,608	589,088	686,960
Organized Crime Drug Enforcement	...	...	104,150	103,143
Federal Bureau of Investigation	691,176	736,982	855,591	1,021,213
Drug Enforcement Administration	216,751	224,629	250,451	269,141
Immigration and Naturalization Service	390,536	416,762	499,380	534,896
Federal Prison System				
Salaries and Expenses.....	348,546	354,565	393,887	420,487
National Institute of Corrections.....	11,026	11,446	10,550	11,080
Buildings and Facilities.....	16,401	14,905	29,821	46,390
Federal Prison Industries, Incorporated.....	-4,426	-5,233	...	...
Limitation of Administrative and Vocational Training Expenses.....	(4,730)	(5,066)	(8,962)	(9,323)
Commissary Fund.....	34	-511	...	...
Total, Federal Prison System.....	371,581	375,171	434,258	476,557
Office of Justice Assistance	462,422	282,741	178,146	172,940
Revolving Fund.....	-92	180	137	...
Total, Office of Justice Assistance.....	462,330	282,881	178,283	172,940
Total, Outlays.....	2,694,967	2,616,601	2,979,448	3,286,608
Offsetting Receipts.....	-12,991	-32,230	-24,279	-24,459
TOTAL, DEPARTMENT OF JUSTICE.....	2,682,976	2,584,371	2,955,169	3,262,149

Includes outlays from "Payment of Vietnam and U.S.S. Pueblo Prisoner of War Claims".

DEPARTMENT OF JUSTICE
Detail of Permanent Positions by Category
1982 - 1984

FUND	General Administration		U.S. Parole Commission		Legal Activities		Organized Crime Drug Enforcement		Bureau		Total	
	1982	1983	1982	1983	1982	1983	1982	1983	1982	1983	1982	1983
Appropriated Funds												
Attorneys (90).....	105	159	8	7	3,884	3,872	...	...	353	299	4,350	4,342
Paralegal Specialists (950).....	18	18	3	3	513	514	...	...	55	52	569	613
Other Legal and Kindred (900-948).....	14	138	...	...	878	858	...	...	661	656	1,553	1,782
General Investigators (1810).....	...	...	...	...	...	...	...	...	171	171	12,177	12,177
Criminal Investigators (1811).....	...	...	...	...	27	27	...	...	12,089	12,155	12,177	12,177
Inspectional Inspectors (1816).....	...	...	...	...	...	...	...	...	1,787	1,787	1,787	1,787
Border Patrol Agents (1800-1899).....	...	...	...	...	...	...	...	...	3,293	3,293	3,293	3,293
Correctional Institution Admin. (006).....	...	...	...	...	...	...	...	...	4,087	4,152	4,087	4,152
U.S. Marshals (007).....	...	...	...	...	...	...	...	...	...	...	...	...
U.S. Marshals (008).....	...	...	...	...	1,572	1,563	...	...	...	...	1,572	1,563
Translators (301).....	...	...	...	...	20	20	...	...	...	...	20	20
Regional Directors (304).....	...	...	...	...	60	54	...	...	...	...	60	54
Other Miscellaneous Occupations (001-009).....	52	52	...	...	11	11	...	...	2,990	3,165	3,053	3,228
Mixed (100-199).....	18	18	73	70	90	78	...	...	640	640	821	797
Intelligence Group (132-134).....	...	...	...	...	...	...	...	...	171	171	171	171
Personnel Management (200-299).....	51	51	...	...	32	32	...	...	461	460	544	544
General Admin. Clerical and Offices	297	325	87	75	3,148	3,140	...	...	12,217	11,948	15,749	15,902
Services (300-399).....	...	...	...	...	...	...	...	...	624	627	902	908
Biological Sciences (400-499).....	133	133	1	2	144	146	...	...	...	...	...	...
Accounting and Budget (500-599).....	...	...	...	...	...	...	...	...	...	...	...	...
Medical, Dental, and Public Health	...	...	...	...	...	...	...	...	...	...	...	...
Engineering and Architecture	...	...	...	...	...	...	...	...	611	684	611	684
Group (600-699).....	...	...	...	...	...	...	...	...	...	...	...	...
Information and Arts Group (1000-1099).....	1	1	...	...	...	...	...	...	133	136	133	136
Business and Industry Group (1100-1199).....	...	...	...	...	...	...	...	...	63	60	69	66
Patent and Trademark Group (1200-1299).....	...	...	...	...	24	30	...	...	128	142	150	172
Physical Sciences Group (1300-1399).....	...	...	...	...	...	...	...	...	...	...	...	...
Library and Archives Group (1400-1499).....	...	...	...	...	...	...	...	...	155	155	155	155
Mathematics and Statistics Group	32	32	...	...	6	6	...	...	8	8	46	46
(1500-1599).....	...	...	...	...	2	1	...	...	46	46	46	47
Equipment, Facilities and Service	...	...	...	...	...	...	...	...	...	...	...	...
Group (1600-1699).....	...	...	...	...	...	...	...	...	331	326	336	331
Identification Group (1700-1799).....	...	...	...	...	...	...	...	...	301	281	302	282
Statistical Group (1800-1899).....	...	...	...	...	...	...	...	...	131	129	142	140
Transportation (2100-2199).....	...	...	...	...	...	...	...	...	77	77	77	77
Food Preparation and General Maintenance	2	2	...	...	...	...	...	...	1,088	1,090	1,090	1,092
TOTAL.....	723	945	172	157	10,433	10,425	...	...	31,393	31,317	53,847	55,109

[illegible]

DEPARTMENT OF JUSTICE
Detail of Permanent Positions by Category
Bureaus
1982-1984

Title	Federal Bureau of Investigation			Drug Enforcement Administration			Immigration and Naturalization Service			Federal Prison System			Office of Justice Assistance			Bureau Totals		
	1982	1983	1984	1982	1983	1984	1982	1983	1984	1982	1983	1984	1982	1983	1984	1982	1983	1984
<u>Appropriated Funds</u>																		
Attorneys (905).....	15	15	15	322	270	268	10	10	10	6	4	4	353	299	297
Paralegal Specialists (950).....	41	41	41	13	51	51	1	...	...	55	92	92
Other Legal and Kindred (900-980).....	646	634	634	1	208	208	1	1	1	661	856	856
General Investigators (1810).....	13	13	13	1,144	1,144	1,144	...	...	...	...	...	...	171	171	171
Criminal Investigators (1811).....	9,228	9,067	9,167	1,878	1,878	1,884	1,144	1,144	1,144	...	...	...	...	...	...	12,250	12,049	12,192
Immigration Inspectors (1816).....	1,767	1,767	1,767	...	...	...	...	...	...	1,767	1,767	1,767
Border Patrol Agents (1800-1899).....	1	1	1	3,282	3,294	3,294	...	...	...	...	...	...	3,283	3,295	3,295
Corrections Institution Admin. (006).....	505	468	468	...	...	...	505	468	468
Correctional Officers (007).....	4,087	4,152	4,206	...	...	...	4,087	4,152	4,206
Other Miscellaneous Occupations (001-099).....	2,854	3,026	3,026	14	14	14	6	6	6	116	119	119	...	...	...	2,990	3,165	3,165
Social Sciences, Economics and Kindred (100-199).....	27	27	27	569	569	569	44	44	44	640	640	640
Intelligence Group (132-134).....	188	188	188	200	200	200	...	...	...	171	171	172
Personnel Management (200-299).....	66	66	66	...	...	...	...	...	...	7	6	6	461	460	460
General Admin. Clerical and Office Services (300-399).....	7,374	7,386	7,747	1,239	1,239	1,254	2,573	2,501	2,521	884	689	689	147	133	133	12,217	11,948	12,350
Biological Sciences (400-499).....	2	2	2	...	...	...	2	1	1	...	...	...	4	3	3
Accounting and Budget (500-599).....	131	131	131	151	154	154	320	322	322	22	20	20	624	627	627
Medical, Dental, and Public Health (600-799).....	4	4	4	9	9	9	598	651	803	...	...	...	611	664	816
Engineering and Architecture Group (800-899).....	25	25	25	74	74	74	33	36	37	1	1	1	133	136	137
Information and Arts Group (1000-1099).....	19	19	19	30	30	30	5	3	3	9	8	8	63	60	60
Business and Industry Group (1100-1199).....	7	7	7	37	37	37	62	80	80	20	18	18	126	142	142
Physical Sciences Group (1300-1399).....	152	152	165	3	3	3	...	...	...	...	...	...	155	155	158
Library and Archives Group (1400-1499).....	3	3	3	1	1	1	...	...	...	4	4	4	8	8	8
Mathematics and Statistics Group (1500-1599).....	6	6	6	25	25	25	1	1	1	14	14	14	46	46	46
Equipment, Facilities and Services Group (1600-1699).....	2	2	2	149	149	149	179	174	174	1	1	1	331	326	326
Education Group (1700-1799).....	5	5	5	5	5	5	200	271	271	...	...	...	301	281	281
Supply Group (2000-2999).....	24	24	24	52	52	52	52	50	50	3	3	3	131	129	129
Transportation Group (2100-2199).....	5	5	5	72	72	72	...	...	...	...	...	...	77	77	77
Food Preparation and General Maintenance Group.....	1,088	1,090	1,092	...	...	...	1,088	1,090	1,092
TOTAL.....	19,456	19,479	19,940	3,951	3,953	3,988	10,604	10,483	10,501	9,015	9,145	9,357	281	257	249	143,309	143,317	144,036

DEPARTMENT OF JUSTICE
General Administration and Legal Activities
Number of Attorneys, 1982 - 1984

<u>Division/Office</u>	<u>1982 Actual</u>	<u>1983 Estimate</u>	<u>1984 Estimate</u>
<u>General Administration</u>	105	159	159
<u>U.S. Parole Commission</u>	8	7	7
<u>General Legal Activities</u>			
<u>Solicitor General</u>	21	21	21
Tax Division.....	270	270	270
Criminal Division.....	429	410	410
Civil Division.....	338	334	362
Land and Natural Resources Division.....	185	185	185
Office of Legal Counsel.....	20	20	20
Civil Rights Division.....	172	172	172
Total, General Legal Activities.....	1,425	1,412	1,447
<u>Foreign Claims Settlement Commission</u>	6	6	6
<u>Antitrust Division</u>	374	338	315
<u>United States Attorneys and Marshals</u>			
United States Attorneys.....	2,057	2,090	2,101
Bankruptcy Matters.....	16	20	..
United States Marshals.....	6	6	6
Total, United States Attorneys and Marshals.....	2,079	2,116	2,107
<u>Community Relations Service</u>.....	...	...	...
<u>Total, Legal Activities</u>	3,884	3,872	3,872
<u>TOTAL, GENERAL ADMINISTRATION, PAROLE COMMISSION, AND LEGAL ACTIVITIES</u>	<u>3,997</u>	<u>4,038</u>	<u>4,041</u>

DEPARTMENT OF JUSTICE
UNCONTROLLABLE ITEMS
BUDGET ESTIMATES-1984

The uncontrollable items listed in the estimates for the various appropriations involve costs over which the Department has little or no control. Uncontrollable costs result primarily from statutes, Executive Orders, and other Presidential directives that have Government-wide application; in a number of cases, resources are also requested to pay for the uncontrollable cost increases of basic commodities and services. In the 1984 estimates, the uncontrollable increase category also includes the cost of restoring the standard level user charges reductions reflected in the December continuing resolution. When increasing these categories are reflected in the justification material as "Uncontrollable increases." When decreasing they are reflected in the "Decreases" section of the justification of "Adjustments to base" along with other non-recurring items. The cost of uncontrollable increases less the amount identified as "Decreases" represents the net changes required to maintain the Department's 1983 level of operations. These computations, together with transfers, determine the base for 1984.

A. Uncontrollable items required by statute, Executive Order, or other Presidential directive include costs that the Department must pay to implement Government-wide regulations and policies. The items which are deemed to qualify for inclusion are listed below with the brief statement relating to the statutory or other authority and any legal citation.

1. Annualization of 1983 pay increases

Executive Order 12367 issued pursuant to P.L. 91-556, authorized pay increases for civilian and military personnel be effective at the beginning of the first pay period on or after October 1, 1982. The effective date was October 3, 1982. In addition, the Department was able to absorb portions of the total pay raise in each account. The request is for that part of the pay increase which was absorbed in 1983.

2. Annualization of Executive Level pay increases

This increase provides for the annualization of the January, 1983 executive level pay increases contained in P.L. 97-377. There are 261 compensable days in 1983 of which 66 paid days (October 1 through December 31, 1982) were not included. In the 1983 pay request but for which funding is requested. In addition, part was the pay raise was absorbed in 1983 and restoration is requested here.

3. Annualization of medicare costs

P.L. 97-248, the Tax Equity and Fiscal Responsibility Act of 1982 requires funding for the 1.3 percent Federal share of the Medicare Hospital Insurance tax to Federal employees. A request is made to cover the period October 1 to December 11, 1983 which was not funded in 1983.

4. Nonrecurring cost for change in hourly rate

Section 310 (b)(1) of the Omnibus Reconciliation Act of 1982 requires that pay be computed on the basis of 2,087 workhours as opposed to the 2,080 used in the past. This results in an overall pay decrease for General Schedule employees in 1984 and 1985 which is reflected in the "Decreases" section.

5. Annualization of new positions approved in 1983

P.L. 97-377, Further Continuing Appropriations, 1983, provides funds to fill an identifiable number of additional positions for part of 1983. Funds are requested in 1984 to fill these positions on a full-year basis.

6. Within-grade increases

An employee paid on an annual basis and occupying a permanent position within the scope of the General Schedule, who has not reached the maximum rate of pay for the grade in which his position is placed, shall be advanced in pay to the next higher rate within the grade, subject to certain limitations following the completion of 52 weeks of service in pay steps 1, 2 and 3; 104 weeks of service in pay steps 4, 5 and 6; or 156 weeks of service in pay steps 7, 8 and 9 (5 U.S.C. 5335). Comparable increases for employees in GS-13 through GS-15 paid under merit pay are included in the computation because an equivalent amount is made available in the merit pay pool.

7. Retirement Contributions for Social Security (FICA)

The requested adjustment permits funding of an increase from \$29,700 to \$32,400 in the base on which earnings for Social Security is calculated. It also funds the rate increase from 6.65 percent to 6.70 percent. These two adjustments result in the increase of the maximum annual employee contribution from \$1,975 to \$2,171. These costs are being absorbed in 1983.

8. Health benefits costs

The Federal Employees Health Benefits Act (P.L. 93-246) provided that the Government's share of health insurance would be 60 percent of the total premium paid commencing in 1975 up to the average amount paid by the six highest broadly used plans. Effective January 1, 1982, the health insurance carriers raised their rates approximately 13.0 percent, which has a direct impact on the cost to the Government. These costs, which are being absorbed in 1983, are reflected here.

9. Federal Employees' Compensation Act (FECA)—Workers' Compensation

P.L. 89-554 provides that an employee who is injured in the performance of duty shall be furnished medical services and other benefits, and that these expenses when authorized or approved by the Secretary of Labor shall be paid by the Employees' Compensation Fund (5 U.S.C. 8133). The Secretary shall furnish to each agency the payments made from the Fund applicable to each agency and such agency shall include in its annual budget estimates a request for

an appropriation equal to such costs; when such sums become available, they shall be deposited to the credit of the Employees' Compensation Fund (5 U.S.C. 8147(b)). The request for 1984 estimates the expected billing based on the actual costs incurred during 1982.

10. Standard Level User Charges (SLUC)

P.L. 92-313, Public Building Amendments Act of 1972, authorizes and directs the Administrator of the General Services Administration (GSA) to charge for the use of space furnished. The request will permit GSA to furnish in 1984 approximately the same quantity and quality of space authorized for the approved 1983 program level. Additional space for new positions and other purposes is contained within each of the program increase requests.

Section 108 of P.L. 97-377, Continuing Resolution for 1983, prohibits General Services Administration (GSA) from raising the rate for rental space from the amount charged in 1982. In keeping with the Administration's policy that charges for space shall be consistent with market rates, an increase is requested to restore cuts made in 1983, to adjust 1984 price levels and to annualize the 1983 space inventory.

11. GSA recurring reimbursable services

The General Services Administration (GSA) provides additional heating, ventilation, air conditioning (HVAC) and guard services on a reimbursable basis. These costs are separate from standard level user charges (SLUC) because they represent services above the level GSA would normally provide within the SLUC rate. The requested increase will provide approximately the same level of service in 1984 as in 1983.

12. Federal Telecommunications Systems (FTS)

P.L. 87-847 established a Federal Telecommunications Fund to be available, among other things, for the operation of a Federal Telecommunications System (FTS) and provided that the fund shall be credited with advances and reimbursements for services rendered at rates determined by the Administrator, General Services Administration (GSA), to approximate the costs met by the fund (76 Stat. 1117). The increase for FTS reflects the advance billing provided to the Department by GSA in August 1982.

B. Funds are requested for other uncontrollable increases not specifically mandated by statute, Executive Order, or other Presidential directive. These increases are necessary to maintain programs at the previously requested or currently authorized level of operation. Some are particularly sensitive to price changes and all are uncontrollable to the extent that they involve cost increases that have to be paid and that their denial would adversely affect the health and welfare standards already established for prisoners, create significant inequities in the compensation of various categories of Government employees, or significantly affect the level of activity provided by a program. In some instances, e.g., GPO printing costs and Departmental printing and communication costs, the increase requested consists of a mixture of costs increased by statute, Executive Order, or other Government-wide regulations, as well as costs relating to market price changes, e.g., paper, fuel, and toll rate changes. The categories of increase are itemized below.

1. Administrative salary increases

This provides for Assistant U.S. Attorneys occupying permanent positions, in which annual salaries are administratively determined under certain circumstances, to be granted successive annual pay increases at varying rates until a maximum salary is reached. The requested increase provides for the 1983 authorized position level for eligible employees.

2. C&P telephone rate increase

The Chesapeake and Potomac Telephone Company was granted a rate increase of 19.6 percent for equipment and installation charges in the Washington metropolitan area. An additional 30 percent increase is proposed for 1983. The request for 1984 reflects both of these rate increases.

3. Telephone system line charges

The cost of providing CENWREX telephone switchboard service to Department users will increase from \$20.10 to \$27.66 per telephone line. This is in addition to the telephone rate increase in the Washington metropolitan area. Both the rate and line charge increases are included in the 1984 request.

4. GPO printing costs

Contract printing or other printing of a recurring nature done under the control of the Government Printing Office (GPO) is considered an uncontrollable cost. Since GPO determines the disposition of most printing requests, increased costs for printing services are separately stated rather than included with estimated costs of wage-board or General Schedule salary increases. GPO has advised the Department of Justice that a five percent increase in the cost of printing and binding is forecast for 1984. Any approved increase in the printing workload is included in program increase requests.

5. Employee data and payroll services

The Department provides centralized employee data and payroll services. Services include developing, maintaining and operating all departmental information systems concerning employment information as well as centralizing payroll accounting functions. Charges are based on the number of employees paid in each organization. This provides for a 10 percent increase (from \$110 to \$120.94) in 1984 for the authorized 1983 employment levels.

6. Full-field investigations

Costs in this area have increased as the result of a projection by the Office of Personnel Management for 1983 which raised the standard rate charged for each full-field investigation by \$150 over the 1982 base cost of \$1,300. The 1984 requirement for full-field investigations at the current rate of \$1,450 is included in this request.

7. Postal Service redistribution

The U.S. Postal Service provides the Department with mail service including express mail. Although the Department does not expect a rate increase before or during 1984, some redistribution of Department costs will be made based on the 1982 mail survey. There is no net cost increase for the Department.

8. Departmental telecommunications redistribution

Although no rate increase is expected in Departmental telecommunications before or during 1984, a redistribution of costs is necessary to charge organizations based on actual usage in 1982.

9. General pricing level adjustments

This request applies to OMB pricing guidelines as of December 1982 to selected expenses categories. The increased costs identified result from applying a factor of 5.3 percent against those sub-object classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, material, equipment, contracts with the private sector, transportation costs and utilities. Excluded from the computation are categories of expense where inflation has already been built into the 1984 estimates

10. Foreign cost of living allowance

Standard regulations which apply to Government civilians in foreign areas state that certain allowances may be paid to personnel serving in civilian status overseas. These include: quarters allowance, post allowance, post differential and education allowance. Amounts of these allowances, which are determined by the Department of State, will increase by approximately 20 percent in 1984.

11. Additional personnel-related items to maintain current program levels

Through FY 1976 funds were granted to the Federal Bureau of Investigation (FBI) to provide for promotions projected to occur during the year. Since 1976 only those funds associated with within-grade increases have been allowed as an uncontrollable increase. The disallowance of funds for promotions compounded by personnel cuts has resulted in a deficiency in personnel compensation funds required to support authorized workyears. FBI requires this increase to reutilize its authorized workyear level.

12. Distributed administrative services

Under the Foreign Affairs Administrative Support System (FAAS), an annual charge is made by Department of State for administrative support; the amount of this charge is determined by Department of State that anticipates a 20 percent increase in foreign operations. This increase is included in the 1984 request.

13. INTERPOL annual dues

No rate increase occurred for 1983; however an increase of 55 percent is anticipated for 1984 based on determinations made by the INTERPOL General Assembly. The 1984 request includes this increase.

14. Utility costs

Utility costs including gas, electricity, water, sewage, solid waste disposal, fuel oil, coal, etc. have been averaging a 20 percent per annum increase in the Federal Prison System facilities. This trend is expected to continue in 1984.

15. Federal law enforcement training center

Due to increases in food, lodging, travel and per diem an increase of \$30 per student is expected.

DEPARTMENT OF JUSTICE

Summary of Changes in Justification Material

The Department has submitted a consolidated budget estimate and justification document incorporating the annual Authorization as well as the Appropriation requirements for 1984. This format, which was well received in 1983, is substantially unchanged.

Structure

Organized Crime and Drug Enforcement. This program is presented in the normal budget process for the first time. It includes a coordinated interagency task force enforcement effort to combat organized crime and drug trafficking, as well as a special President commission and a project to enlist the fifty State governors in a united campaign against the drug trade. Initial funding for most of these projects was provided as a result of a 1983 amendment request.

General Administration. No 1984 funding is requested for the State and Local Drug Grants program. In keeping with Administration policy, the activities provided by this program will become solely the responsibility of State and local governments.

Payment of Vietnam and USS Pueblo Prisoners of War. The Department of Defense intends to make final status determination in 1983 on all military personnel, after which the Commission can certify valid claims to the Treasury Department for payment. Hence, no new funds are required for this program in 1984.

United States Trustee. Unless specific action is taken by Congress, the Administration proposes to discontinue the pilot U.S. Trustee program at the end of FY 1983, although the sunset legislation date is April 1, 1984. The Administration supports a transfer of this bankruptcy function to the Judiciary.

Office of Justice Assistance. No funding is requested in 1984 for the juvenile justice formula grants and the juvenile justice programs. The majority of the Administration's goals have been met in this area. Nor is 1984 funding requested for the crime control programs which consist mainly of past Legal Enforcement Assistance Administration programs and were not authorized by Justice System Improvement Act of 1979.

The budget proposes a new \$90,000,000 State and local financial assistance activity. It provides for training as well as technical and financial assistance to State and local criminal justice agencies for specified types of effective activities which focus on violent and repeat offenders (adult and juvenile).

Content

Order of organizations presented. The position of the budget requests and justifications for the Drug Enforcement Administration has been moved to precede the Immigration and Naturalization Services (INS) presentation, whereas in the past it has followed INS.

Detail of Permanent Positions by Category. This exhibit, which provides data on employment category and location, is again being included after having been omitted for the previous two years.

Concept

Pay Computation. In accordance with the Omnibus Reconciliation Act of 1982, pay for 1984 is computed on the basis of 2,087 workhours compared to the 2,080 workhours used in the past. This results in a pay adjustment for all General Schedule employees. This change is effective only for 1984 and 1985.

Workyears (Full-time equivalent employment). As in the 1983 submission, workyears reflect full-time equivalent employment. Unless separately identified, workyears are comparable to direct costs reported under object class 11.1, full-time permanent employment.

Uncontrollable Increases. Individual uncontrollable increases have been excluded for travel costs, departmental printing and reproduction costs, printing costs for the Federal Register and Code of Federal Regulations, and transfer costs. Where appropriate, these increases have been calculated with the general pricing level adjustment.

DEPARTMENT OF JUSTICE

General Appropriation Provisions

SEC. 201. A total of not to exceed \$65,000 from funds appropriated to the Department of Justice shall be available for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 202. Notwithstanding section 501(e)(2)(B) of Public Law 96-422, funds appropriated to the Department of Justice in this title may be expended for assistance to Cuban-Haitian entrants as authorized under section 501(c) of said Act.

DEPARTMENT OF JUSTICE

Summary of Language Changes Proposed in 1984 Appropriation and Authorization Estimates

Substantive language changes for the 1984 appropriation and authorization language for the Department of Justice are summarized below. Language changes are explained for both the appropriation and authorization estimates since these submissions have been consolidated.

Appropriation Language ChangesGeneral Administration

No substantive changes proposed.

United States Parole Commission

No substantive changes proposed.

Legal Activities
General Legal Activities

No substantive changes proposed.

Foreign Claims Settlement Commission

No substantive changes proposed.

Antitrust Division

No substantive changes proposed.

United States Attorneys and Marshals

The bankruptcy trustees program has been recommended for termination at the end of 1983. Since funds are not requested for this program in 1984, appropriation language authorizing the bankruptcy trustees is unnecessary.

Support of U.S. Prisoners

The proposed language changes the amount and source of funds the U.S. Marshals Service may spend for jail renovations under the Cooperative Agreement Program (CAP). The funds will be used, if available, in the Organized Crime Drug Enforcement appropriation to renovate, construct and equip State and local detention facilities. The current continuing resolution, P.L. 97-577, contains a limitation of \$4,050,000 for CAP. Several provisions limit the cost of constructing the facilities, and ensure the availability and price of such facilities for the use of the Federal Government.

Fees and Expenses of Witnesses

No substantive changes proposed.

Community Relations Service

No substantive changes proposed.

Organized Crime Drug Enforcement

A change is proposed decreasing the funding needed for construction of Federal prison facilities as planned construction and renovation is completed. A second change provides language establishing the Presidential Commission on Organized Crime in 1984. The language provides no-year funding for the Commission consistent with that provided for previous Presidential Commissions. Further changes provide \$14,000,000 for the purchase of automated data processing and telecommunications equipment and \$9,619,000 for undercover operations, both amounts to remain available until September 30, 1985. This two-year funding provides procurement flexibility and ensures unintercepted funding for approved undercover operations which may overlay into the next fiscal year.

Federal Bureau of Investigation

Language is proposed which provides two-year funding for automated data processing and telecommunications procurement (\$52,000,000) and for undercover operations (\$1,000,000) to ensure procurement flexibility and continuous funding for undercover operations which may extend into the next fiscal year. This language is similar to that contained in the current continuing resolution.

Drug Enforcement Administration

The language change would allow the Drug Enforcement Administration to purchase 888 passenger motor vehicles in place of the 277 allowed in the continuing resolution, P.L. 97-377. The Drug Enforcement Administration will then be able to increase the efficiency and effectiveness of the motor vehicle fleet.

Immigration and Naturalization Service

The language change increases the amount which may be paid to aliens who do work for the Service while held in INS detention facilities. 8 USC 1555 requires that the rate of payment of allowances be specified from time to time in the Appropriations Act. The present rate of reimbursement, \$1.00 per day, has been in effect since 1948, and is too low to encourage aliens to volunteer for work in and around the detention facilities.

The Reception, Processing and Care program is authorized by the Refugee Education Assistant Act of 1980 (Public Law 96-442) and by Executive Order which places the responsibility for administering Section 501(c) of the Refugee Education Assistance Act of 1980 (Public Law 96-442) within the Department of Justice. As initially enacted and in prior years funds for this program were available until expended. However, the current continuing resolution did not provide no-year funding for the program. This language restores the program to no-year funding.

Final proposed changes provide \$10,090,000 to establish a National Records Center and \$11,134,000 to implement the long-range automated data processing plan. Both of these amounts are proposed to remain available for two years (until September 30, 1985) to allow procurement flexibility.

Federal Prison System
Salaries and expenses

No substantive changes proposed.

National Institute of Corrections

No substantive changes proposed.

Buildings and Facilities

No substantive changes proposed.

Federal Prison Industries, Incorporated

No substantive changes proposed.

Office of Justice Assistance

The proposed language combines two appropriations, Law Enforcement Assistance and Research and Statistics. These appropriations were authorized by the Justice System Improvement Act of 1979 and are proposed to be replaced by the Justice Assistance Act of 1983. Consolidation of these two accounts will considerably simplify both the program and administrative aspects of the program.

General Provisions

The Section 201 change provides that the allowance for official reception and representation purposes should be increased from \$35,000 to \$65,000. These funds are used principally by the Attorney General, the Federal Bureau of Investigation, the Immigration and Naturalization Service and the Drug Enforcement Administration. In addition, the United States Parole Commission, the Criminal Division and the United States Attorneys have requested the use of this limitation which is not currently available to them. Additional funding is also required as a result of increased use of the allowance due to the creation of Organized Crime Drug Task Forces.

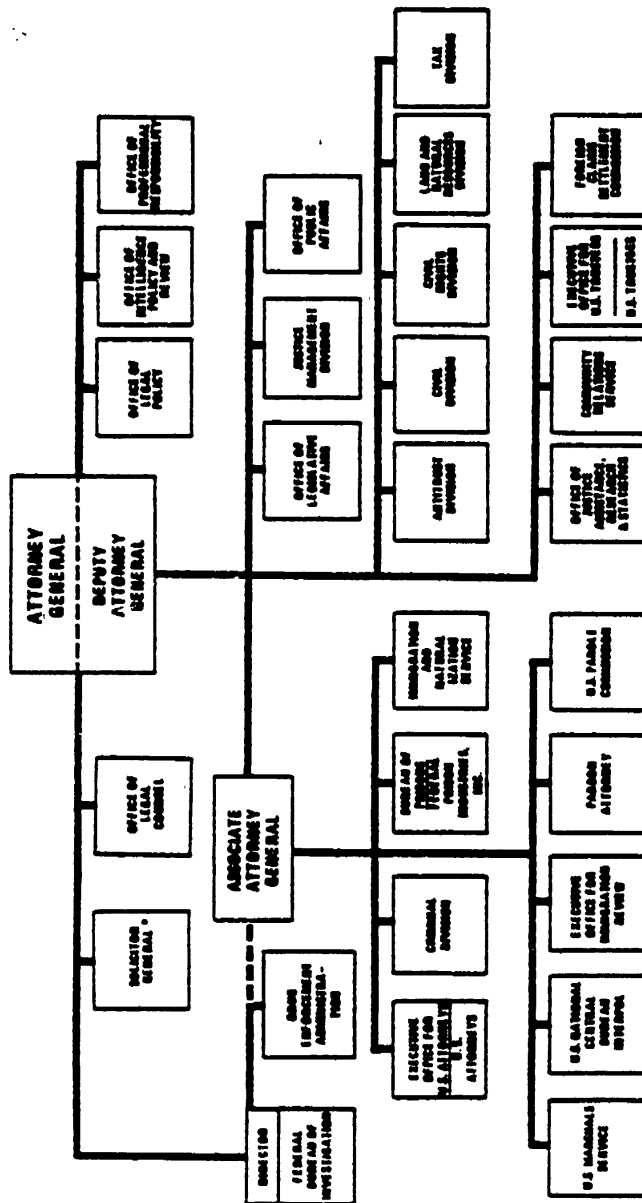
Section 202 allows the use of funds appropriated to the Department for the assistance of Cuban and Haitian entrants, as authorized under Section 501(c) of the Refugee Education Assistance Act (P.L. 96-422).

Section 203 which continues the authorities contained in P.L. 96-132, the Department of Justice Appropriation Authorization Act, Fiscal Year 1980 during the period of the current continuing resolution, is proposed for deletion.

Department of Justice
General Administration
Estimates for Fiscal Year 1984
Table of Contents

<u>Item</u>	<u>Page</u> <u>Number</u>
Organization Chart.....	1
Summary Statement.....	2
Proposed Authorization Language.....	4
Justification of Proposed Changes in Appropriation Language.....	5
Crosswalk of 1983 Charges.....	6
Summary of Requirements.....	7
Summary of Resources by Program.....	8
Status of Congressionally Requested Studies, Reports and Evaluations.....	9
Priority Rankings.....	10
Detail of Permanent Positions by Category.....	11
Summary of Adjustments to Base.....	12
Justification of Adjustments to Base.....	13
Financial Analysis-Program Changes.....	18
Summary of Requirements by Grade and Object Class.....	19
Department Leadership	
Summary of Requirements.....	21
Justification of Program and Performance.....	22
Executive Support	
Summary of Requirements.....	24
Justification of Program and Performance.....	25
Intelligence Policy and Professional Responsibility	
Summary of Requirements.....	30
Justification of Program and Performance.....	31
Justice Management Division	
Summary of Requirements.....	34
Justification of Program and Performance.....	35
Administrative Review and Appeals	
Summary of Requirements.....	41
Justification of Program and Performance.....	42
Federal Justice Research Program	
Summary of Requirements.....	45
Justification of Program and Performance.....	46
State and Local Drug Grants Program	
Summary of Requirements.....	48
Justification of Program and Performance.....	49

William S. Galt
WILLIAM S. GALT, JR.
Attorney General



General AdministrationSummary Statement

Fiscal Year 1984

The General Administration appropriation is requesting, for 1984 a total of \$56,344,000, 943 permanent positions, and 1,021,000 workyears. This request represents a decrease from the 1983 appropriation anticipated of \$340,000.

The primary mission of the General Administration appropriation is to support the Attorney General and the senior policy level officials of the Department who assist him in the development of policy objectives and the management of the Department. This is augmented by a Department-wide capability to review, control and evaluate the programs of the Department, conduct research on the Federal Justice system and monitor adherence to policy guidelines. In addition, selective administrative support is provided to the legal divisions and the smaller offices and boards within the Department. This appropriation also supports two organizations responsible for the administrative review and appeal of decisions relating to individuals: Executive Office of Immigration Review and the Pardon Attorney.

The mission of the General Administration appropriation are accomplished through the programs contained in the four budget activities. The budget activities are: Program Direction and Policy Coordination, Administrative Review and Appeals, Federal Justice Research, and State and Local Drug Grants. The programs within these activities are: Department Leadership, Executive Support, Intelligence Policy and Professional Responsibility and the Justice Management Division. The major initiatives and resource requests for these activities and programs are summarized below.

Program Direction and Policy Coordination

This budget activity includes resources for the primary missions of the Offices included in the following programs: Department Leadership, Executive Support, Intelligence Policy and Professional Responsibility, and the Justice Management Division. These programs consist of the following:

The Department Leadership program consists of the Offices of the Attorney General, the Deputy Attorney General and the Associate Attorney General. These Offices are responsible for the development of appropriate policies regarding the administration of justice in the United States; the effective representation of the United States in justice-related matters; and the provision of advice and opinions on legal matters to the President, the members of the Congress and the heads of Executive departments and agencies. Uncontrollable charges of \$53,000 are requested for this program.

The Executive Support program consists of the Offices of Legal Policy, Public Affairs and Legislative Affairs. The primary missions of this program are to initiate, develop and coordinate major policy initiatives of high priority to the Department and to the Administration in the areas of civil and criminal justice; to ensure that the Department operates most effectively with the Congress and the Office of Management and Budget (OMB) to advance its legislative goals; to inform the Departmental personnel, the media and the public of Department activities expeditiously and accurately; and to counsel the Attorney General and other Department officials in their dealings with the media. Uncontrollable charges of \$274,000 are requested for this program.

The Intelligence Policy and Professional Responsibility program consists of the Office of Intelligence Policy and Review and the Office of Professional Responsibility. This program is responsible for the coordination, development and implementation of Departmental policy on intelligence and national security matters. This program also is responsible for strengthening the integrity of and maintaining public confidence in the Department of Justice, and in fostering and further developing among all Department employees a commitment to professional responsibility. Uncontrollable charges of \$101,000 are requested for this program.

The Justice Management Division is responsible for ensuring that the management initiatives of the President, the Attorney General, and the Congress are implemented soundly and that administrative support services are delivered efficiently and effectively. For budget presentation purposes, a separate program has been established to reflect the work of the Audit Staff which is also a component of the Justice Management Division. The Justice Management program consists of the immediate Offices of the Assistant Attorney General for Administration and the Office of the Controller, Personnel and Administration, and Litigation and Management Systems. The budget request for the Justice Management Division includes an increase of \$1,900,000 to upgrade and correct deficiencies in the Department's administrative systems. These are the systems supporting the accounting, budgeting, personnel, employee compensation, procurement and other administrative support processes of the Department. The request also includes 6 positions, 6 workyears, and \$306,000 reflecting the transfer of certain functions of the Office of Information Technology from Working Capital Fund support to direct funding, and a transfer of 8 positions, 10 workyears and \$573,000 from the General Legal Activities appropriation to consolidate the responsibility for management and operation of all legal divisions libraries. Uncontrollable increases of \$2,054,000 and non-policy decreases of \$338,000 are also included in this request.

Administrative Review and Appeals

This program includes the Office of the Pardon Attorney and the Executive Office for Immigration Review. The Office of the Pardon Attorney is the focal point for the receipt, investigation and consideration of petitions for all forms of Executive clemency and serves as the principal liaison with the general public in clemency matters. The major staffs of the Executive Office for Immigration Review are: Judicial Review where Immigration Judges hold hearings to determine the status of an alien; and the Board of Immigration Appeals which hears appeals from certain decisions of the Immigration and Naturalization Service and Immigration Judges. Uncontrollable increases of \$3,318,000 are requested for this program.

Federal Justice Research

The Federal Justice Research Program supports applied research projects on broad issues affecting the entire Federal Justice system. Total increases of \$147,000 are requested for this program, consisting of uncontrollable increases of \$18,000 and a program increase of \$429,000.

State and Local Drug Grants

This activity commonly referred to as the Multi-State Regional Intelligence Projects, reflects a program for which \$9,400,000 was appropriated in 1983. No funds are requested to continue this activity in 1984.

General Administration
Proposed Authorization Language

The following authorization language is being requested for General Administration:

For General Administration including:

- (A) the hire of passenger motor vehicles;
- (B) miscellaneous and emergency expenses authorized or approved by the Attorney General, the Deputy Attorney General, the Associate Attorney General, or the Assistant Attorney General for Administration;

\$56,364,000 of which \$797,000 is to remain available until expended for the Federal Justice Research Program.

General AdministrationSalaries and expensesJustification of Proposed Changes in Appropriation Language

The 1964 budget estimates include proposed changes in appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and expenses

For expenses necessary for the administration of the Department of Justice, [\$4,873,000] of which [\$350,000] to remain available until expended, for the Federal Justice research program.

\$25,364,000
\$197,000

No substantive changes are proposed.

General Administration
Crosswalk of 1983 Changes
(Dollars in thousands)

Activity/Program	1983 President's Budget Request		Congressional Appropriation Actions on 1983 Request		1983 Pay Supplemental Requested		1983 Appropriation Anticipated	
	Pos.	Wt	Pos.	Wt	Pos.	Wt	Pos.	Wt
1. Program Direction and Policy Coordination:								
a. Department Leadership.....	56	56	...	...	...	...	56	58
b. Executive Support.....	66	73	...	...	...	...	66	73
c. Intelligence Planning and Policy	22	22	...	...	...	...	22	22
d. Justice Management Division.....	447	466	...	...	...	...	447	466
e. Departmental Audits.....	91	94	...	...	...	...	91	94
2. Administration Review and Appeals...	247	269	...	...	...	...	247	203
3. Federal Justice Research Program.....	...	...	...	...	...	...	...	...
4. State and Local Drug Grants.....	...	...	...	...	...	...	...	...
Total.....	929	982	...	...	...	...	929	916

Explanation of Analysis of Changes from 1983 Appropriation Request

Congressional Appropriation Actions

The Congress reduced the Standard Level User Charge (SLUC) to all programs under Program Direction and Policy Coordination and under Administrative Review and Appeals by \$394,000. In addition to the SLUC reduction in the Administrative Review and Appeals program, 66 workyears and \$2,218,000 was eliminated as a result of the delays in transfer and in anticipated lapse in hiring the new personnel for the Executive Office for Immigration Review. A reduction of \$447,000 was made in the Federal Justice Research Program. For the State and Local Drug Grants Program \$9,400,000 was added to permit a continuation of this program in 1983.

Pay Supplemental Requested

The pay supplemental provides \$1,831,000 to meet increased pay requirements. (Executive Order 12487, October 4, 1981 as modified by P.L. 97-377, Continuing Appropriations, 1983).

General Administration
Salaries and expenses
Summary of Requirements
(Dollars in thousands)

	Perm.	Work-	Amount
	Pos.	Years	
<u>Adjustments to base</u>			
1983 as enacted.....	929	916	\$54,873
Supplemental requested:			
1983 Pay supplemental requested.....	...	...	1,831
1983 appropriation anticipated.....	929	916	56,704
Transfers to and from other accounts:			
Transfer from the General Legal Activities Appropriation.....	8	10	573
Transfer from the Working Capital Fund.....	6	6	306
Uncontrollable increases.....	...	89	6,188
Decreases.....	...	...	336
1984 base.....	943	1,021	63,435

Estimates by budget activity	1982 Actual			1983 Appropriation Anticipated			1984 Base			1984 Estimate			Increase/Decrease			
	Perm. Pos.	WT	Ant.	Perm. Pos.	WT	Ant.	Perm. Pos.	WT	Ant.	Perm. Pos.	WT	Ant.	Perm. Pos.	WT	Ant.	
1. Program Direction and Policy Coordination:																
a. Departmental Leadership.....	56	62	\$3,361	56	58	\$4,082	56	58	\$4,535	56	58	\$4,535	...	...	...	...
b. Executive Support.....	66	90	3,684	66	73	3,828	66	73	4,102	66	73	4,102	...	...	...	...
c. Intelligence Policy and Planning.....	22	20	1,141	22	22	1,247	22	22	1,348	22	22	1,348	...	...	...	...
d. Justice Management Division.....	439	470	21,400	447	466	24,085	461	482	26,403	461	482	28,303	...	...	...	\$1,900
e. Departmental Audits.....	91	100	4,170	91	94	5,214	91	94	5,521	91	94	5,521	...	...	...	...
Subtotal.....	674	742	33,756	682	713	38,486	686	729	41,869	686	729	43,609	...	...	...	1,900
2. Administrative Review & Appeals..	49	49	1,978	247	203	8,468	247	292	11,758	247	292	11,758	...	...	...	...
3. Federal Justice Research Program.	...	...	419	...	...	350	...	...	368	...	...	797	...	...	...	429
4. State and Local Drug Grants.....	...	...	5,700	...	...	9,400	...	...	9,400	...	...	...	...	...	...	-9,400
Total.....	723	791	41,853	929	916	56,704	943	1,021	63,435	943	1,021	56,364	...	...	...	-7,071

General Administration

Summary of Resources by Program
(Dollars in thousands)

Estimated by Program	1982 as Enacted			1982 Actual			1983 Appropriation Anticipated			1984 Base			1984 Estimate			Increase/Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Program direction and policy coordination:																		
Department Leadership.....	56	58	\$3,522	56	62	\$3,361	56	58	\$4,082	56	58	\$4,535	56	58	\$4,535	...	...	...
Executive Support.....	66	73	3,518	66	90	3,684	66	73	3,828	66	73	4,102	66	73	4,102	...	...	...
Intelligence Planning and Policy	22	22	1,152	22	20	1,141	22	22	1,247	22	22	1,348	22	22	1,348	...	...	...
Justice Management Division.....	439	458	21,310	439	470	21,400	447	466	24,095	461	482	26,403	461	482	28,303	...	...	\$1,900
Departmental Audits.....	91	100	4,563	91	100	4,170	91	94	5,244	91	94	5,521	91	94	5,521	...	...	...
Subtotal.....	674	711	34,065	674	712	33,756	682	713	38,886	686	723	41,999	686	723	43,809	...	...	1,800
Administrative Review and Appeals.....	49	50	2,009	49	49	1,978	247	203	8,468	247	292	11,758	247	292	11,758	...	...	...
Federal Justice Research Program.....	...	...	500	...	...	419	...	...	350	...	...	368	...	...	797	...	...	429
State and Local Drug Grants.....	...	...	5,700	...	...	5,700	...	...	9,400	...	...	9,400	...	...	...	...	...	-9,400
Total.....	723	761	42,274	723	791	41,853	929	916	56,704	943	1,021	63,435	943	1,021	56,364	...	...	-7,071
Other Workyears																		
Holiday.....	2	2		2	2													...
Overtime.....	6	6		6	6													...
Total compensable workyears.....	769	769		769	769													...

General Administration

Status of Congressionally Requested
Studies, Reports, and Evaluations

The Senate Report on the Department of Justice Authorization Act, 1982 requested that the Department conduct several specific studies and evaluations. Although the bill has not been enacted, the Justice Management Division (JMD) was assigned responsibility for the following three evaluations as a matter of priority:

- A detailed evaluation of the achievements of the National Institute of Corrections. The study was completed and submitted to the Congress in December 1982.
- A study of the impact of travel restrictions upon the litigating divisions. The study has been completed and will be submitted to the Congress in February 1983.
- A feasibility study indicating whether the Kansas and Minnesota State Prisons Systems' pilot projects to provide private industry job experience for inmates could be replicated by the Federal Prison System. Work has begun on the study which is planned to be completed by June 1983.

Studies of two other priority issues cited in the report--Targetting and Interdicting the Source of Supply of Drugs on an International Level and the Drug Enforcement Administration's Financial Investigation Program--were deferred as a result of major policy and organizational decisions in the past year. Specifically, because the Federal Bureau of Investigation (FBI) assumed drug enforcement responsibilities to complement the investigative functions of the Drug Enforcement Administration, and because of the Administration's recent initiative to establish Regional Task Forces on Narcotics and Organized Crime, evaluations of these programs depend upon should await a reasonable period of operational implementation. A Department working group, for example, is currently determining data requirements to ensure that adequate information is collected to evaluate the effectiveness of the Task Forces.

In addition, the House Report on the 1982 authorization bill (H.R. 3462) recommended that the Attorney General evaluate the undercover programs of the FBI. This evaluation is to focus on whether undercover operations actually reduce the level of the type of crime under investigation. This study has been assigned to the FBI and is currently in progress.

The 1980 supplemental appropriations and rescission bill requested an evaluation of the Department's progress to institute effective management controls and to improve the accuracy of data provided to the Federal procurement system. The Audit Staff of the JMD conducted this study, which was completed in August 1982.

Finally, in response to a request of the Joint Committee on Printing, the JMD conducted a study of the feasibility of consolidating the printing plants of Main Justice and the FBI. The report was submitted to the Committee in June 1982.

General AdministrationPriority Ranking

<u>Base Programs</u>	<u>Ranking</u>
Department Leadership	1
Justice Management Division	2
Executive Support	3
Intelligence Policy and Review	4
Administrative Review and Appeals	5
Departmental Audit	6
Federal Justice Research Program	7

General Administration
Salaries and expenses
Detail of Permanent Positions by Category
Fiscal Years 1982 - 1984

Category	1982 Authorized	1983 Authorized	Trans. In the Estimate	1984	
				Program Increase	Total
Attorneys.....	105	159	...	...	159
Paralegal.....	18	18	...	...	18
Other Legal and Kindred.....	14	138	...	...	138
Other Miscellaneous.....	37	37	...	...	37
Social Science.....	18	18	...	...	18
Personnel Management.....	51	51	...	...	51
Program Analysts.....	297	325	+6	...	331
Accounting/Budget.....	133	133	...	...	133
Library.....	32	32	+8	...	40
Food Preparation.....	2	2	...	...	2
Arts.....	1	1	...	...	1
Security.....	15	15	...	...	15
Total.....	723	929	+14	...	943
Washington.....	678	705	+14	...	719
U.S. Field.....	45	224	...	...	224
Foreign Field.....	...	...	...	...	...
Total.....	723	929	+14	...	943

General Administration
Salaries and expenses
Summary of Adjustments to Base
(Dollars in thousands)

	Perma. Pos.	Work- years	Amount
1983 as enacted.....	929	916	\$54,873
1983 Pay supplemental requested:			Amount
Increased pay costs.....			\$1,661
Medicare costs.....			287
Amount absorbed.....			-117
Net pay supplemental.....	...	...	1,831
1983 appropriation anticipated.....	929	916	56,704
Adjustments to base:			
Transfers to and from other accounts:			
Transfer from the General Legal Activities Appropriation.....	8	10	573
Transfer from the Working Capital Fund.....	6	6	306
Total, transfers.....	14	16	879
Uncontrollable increases:			
Annualization of 1983 pay increases.....	...	...	205
Annualization of Executive level pay increases.....	...	...	67
Annualization of 198 additional positions approved in 1983.....	...	89	2,756
Annualization of medicare costs.....	...	...	96
Within-grade increases.....	...	...	386
Health benefits costs.....	...	...	116
Standard level user charges.....	...	...	2,023
OSA recurring reimbursable services.....	...	...	36
CAP telephone rate increase.....	...	...	27
Telephone system line charges.....	...	...	62
Full-field investigations.....	...	...	14
GPO printing costs.....	...	...	8
Employee data and payroll services.....	...	...	9
General pricing level adjustment.....	...	...	423
Total, uncontrollable increases.....	...	89	6,188
Decreases:			
Nonrecurring cost for change in hourly rate.....	...	...	-102
Postal service redistribution.....	...	...	-116
Departmental Telecommunications Systems redistribution.....	...	...	-23
One less compensable day.....	...	...	-26
Total, decreases.....	...	...	-332
1984 Base.....	943	1,021	63,435

General Administration

Salaries and Expenses

Justification of Adjustments to Base
(Dollars in thousands)

	Perm Pos.	Work- years	Amount
<u>Transfers to and from other accounts:</u>			
1. Transfer from the General Legal Activities Appropriation for consolidation of all the Departmental Libraries.....	8	10	\$573
A transfer of eight full-time permanent, 10 workyears and \$573,000 from the General Legal Activities appropriation is planned to consolidate all legal division libraries under the management of the Department's main library system. The library consolidation was directed as part of the Justice Management Division Reorganization, and should provide for a more efficient Departmental library system.			
2. Transfer from the Working Capital Fund to provide appropriated resources to accomplish, at the Department level, automated information system and telecommunications oversight functions.....	6	6	306
A transfer of six positions, six workyears and \$306,000 from the Working Capital Fund (WCF) to the General Administration appropriation is planned. A review of the workload of the Systems Policy Staff concluded that approximately 25 percent of the workload was properly chargeable as support to the WCF activities. Approximately 75 percent is in support of functions more properly classified as appropriated such as bureau level oversight and assistance. Since an offsetting transfer out is reflected under the WCF, the transfer does not represent new workyears or obligations to the JMO.			
Total transfers.....	14	16	879
<u>Uncontrollable increases:</u>			
1. Annualization of 1983 pay increase.....	...	...	205

This provides for the annualization of the October 3, 1982 pay increase contained in Executive Order 12367. Of the pay raise requirements of \$1,948,000, \$117,000 was absorbed in 1983.

	Perm Pos.	Work- years	Amount
2. Annualization of Executive Level pay increases.....	67
<p>This provides for the annualization of the January 1, 1983 Executive Level pay increase contained in P.L. 97-377. There are 261 compensable days in 1983 and 66 paid days (October 1 through December 31, 1982) were not included in the pay raise amount of \$269,000. \$67,000 was absorbed. The calculation of the amount required for annualization is:</p> <p>66/261 x Amount of pay raise..... \$77,000 1983 Absorption of pay..... -10,000 Total annualization..... 67,000</p>			
3. Annualization of 198 positions approved in 1983.....	...	89	\$2,756
<p>Approved 1983 Increase Annualization required</p> <p>Annual salary rate of 1982 positions..... \$5,184,000 ... Less lapse (37%)..... -1,746,000 \$1,746,000 Net compensation..... 3,438,000 1,746,000 Associated employee benefits..... 394,000 199,000 Other object classes..... 2,282,000 811,000 Total costs, subject to annualization... 6,094,000 2,756,000</p>			
4. Annualization of medicare costs.....	96
<p>This provides for full funding for the 1.3 percent Federal share of the Medicare Hospital Insurance tax to Federal employees as required by P.L. 97-248, the Tax Equity and Fiscal Responsibility Act of 1982. The request of \$96,000 covers the period from October 1 to December 11 which was not funded in 1983.</p>			
5. Within-grade increases.....	346
<p>This request provides for an expected increase in the cost of within-grade salary increases. This increase is generally consistent with increases experienced within recent years and is approximately one percent above the base for compensation and related benefits for permanent employment. (Personnel compensation \$312,000 and benefits \$34,000 = \$346,000).</p>			
6. Health benefits costs.....	116
<p>The Federal Employee Health Benefits Act (P.L. 93-246) provides that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. Effective January 1, 1982, the health insurance carriers raised their rates approximately 13 percent. The requested increase of \$116,000 provides for payment of the average rate percent over the \$890,000 now available.</p>			

Form Pos.	Work- years	Amount
...	...	2,023
7. Standard level user charges.....		
Section 108 of P.L. 97-377, Continuing Resolution for 1983, prohibits agencies from paying the General Services Administration (GSA) a higher rate per square foot for the rental of space and services in 1983 than they paid in 1982. In keeping with the Administration's policy that charges for space shall be consistent with market rates, the request includes \$394,000 to restore cuts made in 1983 and \$1,629,000 related to 1984 price level adjustments and the annualization of the 1983 space inventory.		
8. GSA recurring reimbursable services.....	...	\$36
Payments for heating, ventilation and air conditioning, and guard service over normal requirements are made to GSA on a reimbursable basis. An increase of 25 percent in 1984 based on 1983 estimated costs of \$14,000 yields an uncontrollable increase of \$36,000.		
9. GAF telephone rate increase.....	...	27
Effective April 21, 1982, the Chesapeake and Potomac Telephone Company was granted a rate increase of 19.6 percent for equipment and installation charges in the Washington metropolitan area. This results in an increase of \$27,000 in FY 1984.		
10. Telephone system line charges.....	...	62
The cost of providing COMTELEX telephone switchboard service to Department users will increase from \$20.10 to \$27.66 per telephone line. A 19.6 percent increase was granted to GAF in 1982, additionally a 30 percent increase is proposed for 1983. An uncontrollable increase of \$62,000 over the 1983 base of \$166,000 is required to cover the higher rates in 1984.		
11. Full-field investigations.....	...	14
The Office of Personnel Management (OPM) has notified users of a \$150 increase in the standard rate charged for each full-field investigation over the 1982 base cost of \$1,300. The uncontrollable increase is calculated on average accession of 93 persons per year for a total cost of \$14,000.		
12. GPO printing costs.....	...	8
The Government Printing Office (GPO) is currently projecting a five percent increase over the 1983 printing cost of \$160,000. An additional \$8,000 will be required in 1984.		

Perm Pos.	Work- years	Amount
...	...	9

13. Employee data and payroll services.....

Centralized employee data and payroll services are provided to most departmental organizations. Charges for these services, which include information system maintenance and payroll accounting, are based on the number of employees paid. The rate of \$110.00 per employee in 1983 has been raised to \$120.94 for 1984. The uncontrollable increase of \$9,000 is based on 943 authorized positions.

14. General pricing level adjustment.....

This request applies to OMB pricing guidance as of December 1982 to selected expense categories. The increased costs identified result from applying a factor of 5.3 percent against those sub-object classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, transportation costs and utilities. Excluded from the computation are categories of expense where inflation has already been built into the 1984 estimates.

Total, uncontrollable increase.....

...	89	6,188
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Decreases (Automatic non-policy)

1. Nonrecurring cost for change in hourly rate.....

This provides for an overall pay adjustment that results from a change in the basis for computing pay for General Schedule employees. Currently, General Schedule pay is computed on the basis of 260 workdays or 2,080 hours, although 261 or 262 workdays may occur in a calendar year. For 1984 and 1985, section 310(b)(1) of the Omnibus Reconciliation Act of 1982 requires that pay be computed on the basis of 2,087 workdays. Budget estimates for 1984 reflect this new basis and were calculated as follows:

$$\begin{array}{r} \$30,518 \times 2080 \text{ hours} = \$30,416 \\ \underline{2087 \text{ hours}} \\ \$30,416 \\ -102 \end{array}$$

2. Postal Service redistribution.....

The Postal Service has advised the Department that the postage rate is not expected to increase before or during 1984. Although no increase is expected for 1984, some redistribution based on the 1982 mail survey taken by the Department has been made between the offices, boards and divisions to correctly charge the using organizations. Overall, the redistribution will result in a net decrease of \$116,000.

...	...	-116
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	Pena Pos.	Work- Years	Amount
3. Departmental Telecommunications System redistribution.....	-23
Although no rate increase is expected in Departmental telecommunications before or during 1984, a redistribution is necessary to charge using organizations based on actual usage in 1982. Overall, the redistribution will result in a net decrease of \$23,000.			
4. One less compensable day.....	...	...	-95
Total decreases.....	...	...	-118
Total, adjustments to base.....	14	105	6,731

General Administration
Salaries and expenses
Financial Analysis - Program Changes
(Dollars in thousands)

Item	Justice Management		Federal Justice Research Program		State and Drug Grants		Total	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Travel and transportation of persons.....	...	\$52	...	...	...	...	...	\$52
Other services.....	...	1,126	...	\$129	...	-\$9,400	...	-7,845
Supplies and materials.....	...	95	...	...	...	...	...	95
Equipment.....	...	627	...	...	...	...	...	627
Total workyears and obligations, 1984.....	...	1,900	...	429	...	-9,400	...	-7,071

General Administration
Salaries and expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and salary ranges	1983 Estimate		1984 Estimate		Increase/Decrease	
	Positions	Amount	Positions	Amount	Positions	Amount
Executive Level I, \$80,100.....	1		1		...	
Executive Level II, \$69,800.....	1		1		...	
Executive Level III, \$68,400.....	1		1		...	
Executive Level IV, \$67,200.....	2		2		...	
ES-6, \$67,200.....	1		1		...	
ES-5, \$65,500.....	6		6		...	
ES-4, \$63,800.....	8		8		...	
ES-3, \$61,515.....	5		5		...	
ES-2, \$59,230.....	4		4		...	
ES-1, \$56,945.....	5		5		...	
GS-16, \$56,945-\$63,800.....	1		1		...	
GS/04-15, \$48,553-\$53,115.....	130		131		1	
GS/04-14, \$41,277-\$53,661.....	101		101		...	
GS/04-13, \$34,930-\$5,906.....	99		103		4	
GS-12, \$29,371-\$38,185.....	72		74		2	
GS-11, \$24,508-\$31,861.....	48		50		2	
GS-10, \$22,307-\$31,003.....	5		5		...	
GS-9, \$20,256-\$26,311.....	59		60		1	
GS-8, \$18,339-\$23,838.....	35		35		...	
GS-7, \$16,559-\$21,527.....	135		136		1	
GS-6, \$14,901-\$19,274.....	93		94		1	
GS-5, \$13,369-\$17,383.....	57		57		...	
GS-4, \$11,949-\$15,531.....	32		33		1	
GS-3, \$10,645-\$13,840.....	3		4		1	
GS-2, \$9,756-\$12,278.....	1		1		...	
Ungraded positions.....	24		24		...	
Total, appropriated positions.....	929	\$30,225	943	\$30,891	14	\$781
Pay above stated annual rates.....	...	95	...	...	...	-95
Lapses.....	-89	-2,348	-18	-475	71	1,873
Net savings due to lower pay scales for part of year.....	...	-115	...	...	...	...
Net permanent.....	840	27,857	925	30,116	85	2,559

General Administration
Salary and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1983 Estimate Workyears	1983 Estimate Amount	1984 Estimate Workyears	1984 Estimate Amount	Increase/Decrease Workyears	Increase/Decrease Amount
11.1 Full-time permanent.....	840	\$27,857	925	\$30,416	85	\$2,559
11.3 Other than full-time permanent:						
Part-time permanent.....	47	1,311	62	1,525	15	214
Temporary employment.....	19	501	19	501	...	...
Other part-time and intermittent employment...	10	263	15	328	5	65
11.5 Other personnel compensation:						
Overtime.....	16	433	16	503	...	70
Other compensation.....	2	46	2	46	...	...
11.8 Special personnel services payments.....	...	59	...	68	...	9
Total, workyears and personnel compensation.....	934	30,470	1,039	33,387	105	2,917
12 Personnel benefits.....						
21 Travel and transportation of persons.....	3,185	3,185		3,660		475
22 Transportation of things.....	1,059	1,059		1,238		179
23.1 Standard level user charge.....	200	200		253		53
23.2 Communications, utilities, and other rent.....	3,311	3,311		5,666		2,355
24 Printing and reproduction.....	2,935	2,935		3,135		200
25 Other services.....	651	651		694		43
26 Supplies and materials.....	14,203	14,203		5,784		-8,419
31 Equipment.....	690	690		894		204
	860	860		1,653		793
Total obligations.....		57,564		56,364		-1,200
Unobligated balance, start-of-year.....		-860		...		...
Total requirements.....		56,704		56,364		...
Relation of obligations to outlays:						
Total obligations.....		57,564		56,364		...
Obligated balance, start-of-year.....		4,272		9,073		4,801
Obligated balance, end-of-year.....		-9,073		-10,785		-1,712
Outlays.....		52,763		54,652		1,889

Department Leadership
Salaries and expenses, General Administration
Summary of Requirements
(dollars in thousands)

	Perm. Pos.	Work- years	Amount
<u>Adjustments to base:</u>			
1983 as enacted.....	56	58	\$3,903
1983 pay supplemental requested:			
Increased pay costs.....			Amount
Medicare costs.....			\$161
Amount absorbed.....			23
Net pay supplemental.....			-5
1983 appropriation anticipated.....	56	58	4,082
Uncontrollable increases:			
Annualization of 1983 pay increase.....			179
Annualization of Executive Level pay increases.....			5
Annualization of medicare costs.....			21
Within-grade increases.....			8
Health benefits costs.....			23
Standard level user charges (SLUC).....			13
Restoration of standard level user charges base.....			255
GSA recurring reimbursable services.....			47
Postal Service redistribution.....			3
C&P telephone rate increase.....			21
Telephone system line charges.....			3
Federal Telecommunications System (FTS).....			8
Full-field investigations.....			26
GPO printing costs.....			4
General pricing level adjustment.....			4
Total, uncontrollable increases.....			27
Decreases:			
Nonrecurring cost for change in hourly rate.....			-8
One less compensable day.....			-7
Total, decreases.....			-15
1984 Base.....	56	58	4,535
Estimates by budget activity/program			
I. Program Direction and Policy Coordination:			
Departmental Leadership	56	58	\$4,535
1983 Appropriation Anticipated	56	58	\$4,082
1982 as Enacted	56	58	\$3,522
1982 Actual	56	62	\$3,361
1984 Base	56	58	\$4,535
1984 Estimate	56	58	\$4,535
Increase/Decrease			
Perm. Pos.			
WY			
Amount			

Department Leadership
Salaries and expenses, General Administration

Justification of Program and Performance

Activity Resource Summary
(Dollars in thousands)

Activity: Program Direction and Policy Coordination:	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease		
	Anticipated			Ferm.			Ferm.			Ferm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Department Leadership:												
Attorney General.....	20	21	\$1,439	20	21	\$1,581	20	21	\$1,581	...	...	...
Deputy Attorney General.....	24	25	1,732	24	25	1,931	24	25	1,931	...	...	...
Associate Attorney General.....	12	12	911	12	12	1,023	12	12	1,023	...	...	...
Total.....	56	58	4,082	56	58	4,535	56	58	4,535	...	...	...

Long-Range Goal: To develop appropriate policies regarding the administration of justice in the United States; to represent the United States effectively in justice-related matters; and to provide advice and opinions on legal matters to the President, members of the Congress and heads of Executive departments and agencies.

Major Objectives:

- . To formulate and implement major departmental policies and programs.
- . To provide overall supervision and direction to the organizational units of the Department of Justice.
- . To manage the Department's resources effectively.
- . To establish programs to combat violent crime and drug trafficking, achieve judicial restraint and court reform, and enact and implement immigration initiatives.
- . To investigate and process all prospective candidates for judicial and justice Departmental Presidential appointments and to make recommendations to the President.
- . To coordinate criminal justice matters with Federal, state and local law enforcement and criminal justice agencies.
- . To maintain and supervise the Attorney General's Honor Law Graduate and Attorney Employment Programs.
- . To provide overall supervision and direction in establishing policies relating to the participation of the United States in INTERPOL.

Base Program Description: The Attorney General is primarily responsible for developing and implementing the policy objectives of the Department and for managing the Department's programs and resources. He is supported by staff members who coordinate various program activities to ensure consistency with current Department guidelines and policies. Staff members also serve as liaison between Department organizations and the Attorney General when matters of importance require his direct involvement. The Attorney General keeps the public informed of Department activities by appearing before a wide range of citizens' groups and professional associations. He also meets regularly with the President and members of the White House staff, other Federal agency officials, and members of the Congress on department policy and program matters.

In supporting the policies of the Attorney General, the Deputy Attorney General provides testimony before Congressional committees on legislation affecting the Department and acts as the Department's liaison with the White House staff and the Executive Office of the President. In addition, the Deputy Attorney General exercises the power and authority vested in the Attorney General, to take final action in matters pertaining to: employment, separation and general administration of personnel in the Senior Executive Service, and of attorneys, regardless of grade or pay in the organizational units in the Department. The Deputy Attorney General oversees the Attorney General's Employment Program for Honor Law Graduates and Judicial Law Clerks. He also directs the operation of the Consolidated Administrative Office and Executive Secretariat which provide administrative services to the Executive Offices. In the Attorney General's absence, the Deputy Attorney General serves as the acting official for the Department.

The Associate Attorney General represents the Department on interagency groups working on law enforcement and other criminal justice matters, and assists in developing and supervising the implementation of all policies relating to criminal investigation and prosecutions. In addition, he is primarily responsible for: (a) supervising the establishment of policies regarding the United States participation in INTERPOL, and (b) in overseeing the establishment of program initiatives in the area of violent crime, and (c) appointing of Assistant U.S. Attorneys and other attorneys to assist U.S. Attorneys when the public interest so requires.

Executive Support
Salaries and expenses, General Administration

Summary of Requirements
(Dollars in thousands)

	Perm.	Work-		Amount
	Pos.	years		
<u>Adjustments to base</u>				
1983 as enacted.....	66	73	\$3,640	
1983 Pay supplemental requested:				
Increased pay costs.....			\$158	
Medicare costs.....			35	
Amount absorbed.....			-2	
Net pay supplemental.....				
1983 appropriation anticipated.....	66	73	3,828	188
Uncontrollable increases:				
Annualization of 1983 pay increase.....				5
Annualization of Executive Level pay increases.....				13
Annualization of medicare costs.....				12
Within-grade increases.....				26
Health benefits costs.....				25
Standard level user charges (S/LC).....				126
Restoration of standard level user charges base.....				40
OSA recurring reimbursable services.....				5
C&P telephone rate increase.....				8
Telephone system line charges.....				13
Full-field investigations.....				2
Employee data and payroll services.....				1
General pricing level adjustment.....				22
Total, uncontrollable increases.....				290
Decreases:				
Nonrecurring cost for change in hourly rate.....				-7
Postal Service redistribution.....				-6
Federal Telecommunication System redistribution.....				-2
One less compensable day.....				-9
Total, decreases.....				-24
1984 Base.....	66	73	\$4,102	
Estimates by budget activity/program				
I. Program Direction and Policy Coordination:				
Executive Support	66	73	\$4,102	24

Executive Support

Salaries and expenses, General Administration

Justification of Program and Performance

Activity Resource Summary
(Dollars in thousands)

Activity: Program Direction and Policy Coordination	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease	
	Anticipated									Perma. Pos.	WY Amount
	Perma. Pos.	WY Amount	Perma. Pos.	WY Amount	Perma. Pos.	WY Amount	Perma. Pos.	WY Amount	Perma. Pos.		
Executive Support:											
Office of Legal Policy.....	31	\$1,804	31	\$1,922	31	\$1,922	31	\$1,922	...	...	...
Public Affairs.....	13	881	13	935	13	935	13	935	...	...	...
Legislative Affairs.....	22	1,143	22	1,245	22	1,245	22	1,245	...	...	...
Total.....	66	3,828	66	4,102	66	4,102	66	4,102	...	...	...

Long-Range Goal: To initiate, develop and coordinate major policy initiatives of high priority to the Department and to the Administration in the areas of civil and criminal justice; to ensure that the Department operates most effectively with the Congress and the Office of Management and Budget to advance its legislative goals; to inform Departmental personnel, the media and the public of Department activities expeditiously and accurately; and to counsel the Attorney General and other Department officials in their dealings with the media.

Major Objectives:

- To promote coordination and communication among Federal legal offices and to encourage effective and efficient use of legal resources throughout the Federal Government.
- To develop a more coherent process for determining legislative policy.
- To coordinate Joint Department efforts to secure enactment of legislation and other policy proposals of special interest to the Department and the Administration on selected issues.
- To utilize more effectively the total Departmental personnel in developing and advocating legislative policy for Congress.
- To coordinate policy development and encourage consistent implementation of the Freedom of Information Act responsibility within the Executive Branch, and to oversee and supervise the disposition of appeals to denials of information requested from the Department under the Freedom of Information and Privacy Acts.
- To advise and assist the Attorney General and Deputy Attorney General regarding the selection and appointment of Federal judges.
- To represent the Department on the Administrative Conference of the United States, and where appropriate, to represent the Department on regulatory reform matters.
- To participate in meetings and conferences with national, state, and local law enforcement and judicial officials to promote the Department's priorities for the nation's judicial systems.

- To administer the Federal Justice Research Program.
- To inform the Attorney General, Department officials, and rank and file personnel of the Department regarding statements about the Department in daily and periodical press and by broadcasters.
- To assist the Attorney General and other department officials in responding to reporters and editors effectively through interviews, press conferences and other forums.
- To provide visiting dignitaries and groups with first-hand information about the Department's activities.
- To advise the Attorney General on requests from U.S. Attorneys to issue subpoenas to newsmen and news organizations and to counsel U.S. Attorneys on how and when to use subpoena power.
- To coordinate appropriate public policy announcements with the White House and other Federal Departments and Agencies.
- To participate in meetings and conferences with national, state, and local law enforcement and judicial officials to promote the Department's priorities for the Nation's judicial system.

Base Program Description: Executive Support consists of the Offices of Legal Policy, Legislative Affairs, and Public Affairs.

The Office of Legal Policy (OLP) serves as the central point for the Department-wide coordination and review of policy initiatives of special concern to the Attorney General and the Administration. Responsibility for supporting the Attorney General in his role as permanent chairman of the Federal Legal Council, for advising the Attorney General on the appointment of Federal Judges, and for representing the Department on the Administrative Conference of the United States are several functions that were transferred to OLP while several functions previously the responsibility of the Office for Improvements in the Administration of Justice are retained in OLP. These functions include the administration of the Federal Justice Research Program and principal Department responsibility for the reform of the Federal Criminal Code. In addition, OLP assumed the responsibility for coordinating and implementing Department responsibility required by the Freedom of Information Act (5 USC 552) and the Privacy Act (5 USC 552 (a)). Although the charter of OLP is quite broad, its activities focus on issues of priority to the Attorney General and the Administration. These issues include providing staff support to the Cabinet Council on Legal Policy; serving as the principal departmental representative at the sub-cabinet level to the White House Cabinet Councils on Commerce and Trade, Human Resources and National Resources; participating in efforts to devise an effective Department strategy to reduce violent crime; supporting where appropriate, the Administration's effort regarding regulatory reforms; suggesting ways to improve the coordination of drug enforcement; formulating a balanced and effective corrections policy in concert with other Department officials; and promoting coherent, effective, and efficient criminal justice programs.

The Office of Legislative Affairs (OLA), created by Attorney General Order 504-73 in 1973, has been assigned the responsibility of developing and coordinating the Department's legislative program and for liaison with the Congress and other Executive Branch agencies as to its implementation. In addition to preparation and management of the Department's legislative program, the Office must prepare legislative reports on approximately 2,500 bills each year for submission to the Office of Management and Budget or to Congressional committees. Each submission requires that the relevant offices, boards, divisions or bureaus be consulted, their views collated, and a synthesized report on Departmental policy with respect to that bill be prepared. It may also require meetings with Office of Management and Budget representatives to work out interagency differences which will present a unified Administration position to Congress. Finally, the Office must analyze approximately 200 enrolled bills which are sent to the Department for review prior to submission to the President for his signature or veto. These reports must generally be delivered within a 24 to 48 hour time frame.

The Office of Public Affairs (PAO) is the principal point of contact for the Department of Justice with the public and the press. Its mission is twofold: (1) to inform the public about Department of Justice activities and developments, and (2) to provide similar information internally to Department personnel. The staff coordinates the public affairs effort of all Department organizations and maintains close liaison with their top executives as well as media representatives. The Office of Public Affairs disseminates information about the Department of Justice through the news media and by personal contact with the public. It serves reporters by responding to queries, issuing press releases and statements, arranging interviews, and conducting press conferences and mailings. The office provides assistance to members of the general public by answering telephone and mail requests, receiving visiting groups, and by scheduling speakers upon request. The Office also prepares concise reports of sensitive issues for out-of-town trips by the Attorney General and his top associates. Extensive briefing books containing background material on topics likely to be covered are prepared for every major meeting of the Attorney General with the news media. The Office participates in the editing and review of drafts of the Attorney General's speeches and testimony, as well as those of other top Department officials. A compilation of newspaper and magazine clippings for principal Department executives is prepared and distributed twice daily. The Office reviews policy content of all publications for release outside the Department. It writes all news releases for headquarters and edits those of the components, averaging more than 600 per year. In addition, PAO edits the Annual Report of the Attorney General and the Department's Organization and Functions brochure.

Accomplishments and Workload: Many legislative proposals initiated by the Department are close to enactment with major provisions intact due to the staff coordination efforts by the Office of Legal Policy. Additional accomplishments of this Office are listed below:

1. OLP monitored, coordinated, and developed the Department's positions on issues raised relating to the reform of the criminal code.
2. OLP developed the Administration's legislative package for amending the Freedom of Information Act and testified before Congressional committees and other interested groups to explain and support the legislation.
3. OLP developed the proposed Constitutional Amendment regarding school prayer and prepared an analysis of the proposal for the Administration.
4. OLP contributed to and coordinated the Department's policy statements regarding Habeas Corpus provisions, abortion, American Bar Association's Model Rules of Professional Conduct, attorney's fees, equal access to justice, ethics in government, drug enforcement, and immigration.
5. OLP, in collaboration with the Office of the Deputy Attorney General, advised the Attorney General on the appointment of Federal Judges. Fifty-seven vacancies have been filled during the past year.
6. OLP administered the Federal Justice Research Program by soliciting empirical research, screening proposals, awarding contracts, monitoring performance, and disseminating reports.

7. The Federal Legal Council consists of representatives of 15 legal offices in the executive branch with staggered terms of membership. The Office of Legal Policy provided staff support to the Attorney General in his role as permanent chair of the Council. The staff has produced a directory of general counsel offices, functions, and principal contacts; guidelines for the award of attorneys' fees and other expenses in judicial proceedings under the Equal Access to Justice Act. The staff has also conducted two training seminars for general counsels in executive agencies.

Accomplishments of the Office of Legislative Affairs are reflected in the following table:

Item	96th Congress	97th Congress	(Estimated) 98th Congress
Legislative requests disposed of:			
by report to Congressional committees.....	600	300	500
by report to OMB.....	1,592	600	800
by report to other sources.....	118	85	150
by referral, Congressional action, referral, etc.....	961	700	800
Testimony:			
Hearings monitored and transcripts processed.....	409	294	350
Hearing statements presented.....	409	294	350
Supplemental material provided.....	110	147	175
Inquiries processed:			
Congressional Mail.....	13,200	9,000	10,000
Telephone.....	10,000	10,000	11,000
Technical assistance provided.....	780	700	780
Department legislative program:			
Enacted into law.....	12	4	12
Approved by House/Senate.....	7	2	7
Approved by Committee.....	4	1	4

Accomplishments of the Office of Public Affairs include:

- Arranged more than 250 press interviews with key Department officials at Justice headquarters.
- Arranged print or broadcast/teletext interviews with senior Department officials on business trips in over 100 cities.
- Coordinated two teleconferences between the Attorney General and other Department officials and Department field personnel.
- Screened more than 1,300 requests for personal appearances by the Attorney General.
- Coordinated 28 trips and numerous public appearances by the Attorney General including his visit to six nations to confer on narcotics, refugee resettlement and international terrorism.
- Prepared monthly and annual reports of the Department's activities and accomplishments for the White House.

- Performed all staff work for the Young American Medal program including screening of nominations, travel arrangements for recipients and families, and special assistance to the President in his presentation of the awards.
- Coordinated briefings at the Department for 63 foreign dignitaries from 34 countries, 6 college groups, the Army War College and other military groups.
- Provided start-up help and continuing support to the President's Task Force on Victims of Crime, enabling it to focus public attention on its public hearings nationwide.
- Answered approximately 30,000 telephone and 1,000 mail requests for information.
- Provided editors of papers throughout the nation with detailed information packets on complex legal issues of bail reform, drug enforcement, civil rights and immigration.

Intelligence Policy and Professional Responsibility

Salaries and expenses, General Administration

Summary of Requirements
(Dollars in thousands)

	Perm. Pos.	Work- Years	Amount
<u>Adjustments to base</u>			
1983 as enacted.....	22	22	\$1,192
1983 Pay supplemental requested:			
Increased pay costs.....			\$45
Medicare costs.....			7
Amount absorbed.....			-1
Net pay supplemental.....	22	22	55
1983 appropriation anticipated.....	22	22	1,247
Uncontrollable increases:			
Annualization of 1983 pay increase.....	1		1
Annualization of Executive level pay increases.....	4		4
Annualization of Medicare costs.....	2		2
Within-grade increases.....	10		10
Health benefits costs.....	4		4
Standard level user charges (SLUC).....	43		43
Restoration of standard level user charges base.....	9		9
GSA recurring reimbursable services.....	1		1
Postal Service redistribution.....	2		2
CIP telephone rate increase.....	1		1
Telephone system line charges.....	3		3
Federal Telecommunications System (FTS).....	23		23
General pricing level adjustment.....	3		3
Total, uncontrollable increases.....	106		106
Decreases:			
Nonrecurring cost for change in hourly rate.....	3		3
One less compensable day.....	2		2
Total, decreases.....	5		5
1984 Base.....	22	22	1,348

	1982 as Enacted	1982 Actual	1983 Appropriation Anticipated	1984 Base	1984 Estimate	Increase/Decrease
	Perm. Pos.	Perm. Pos.	Perm. Pos.	Perm. Pos.	Perm. Pos.	Perm. Pos.
Estimates by budget activity/program						
1. Program Direction and Policy Coordination:						
Intelligence Policy and Professional Responsibility	22	21 \$1,141	22 \$1,247	22 \$1,348	22 \$1,348	...

Intelligence Policy and Professional Responsibility

Salaries and expenses, General Administration

Justification of Program and Performance

Activity Resource Summary
(Dollars in thousands)

Activity: Program Direction and Policy Coordination	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease	
	Anticipated			Perm.			Perm.			Pos.	WY Amount
	Perm.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount		
Intelligence Policy and Professional Responsibility:											
Intelligence Policy and Review	14	14	\$767	14	14	\$825	14	14	\$825	...	...
Professional Responsibility	8	8	480	8	8	523	8	8	523	...	...
Total	22	22	1,247	22	22	1,348	22	22	1,348	...	...

Long-Range Goal: To assist the Attorney General in strengthening the integrity of and maintaining public confidence in the Department of Justice, and in fostering and further developing among all Department employees a commitment to professional responsibility. Also, to maintain confidence in the lawfulness of United States intelligence activities, consistent with the need of the United States to obtain, produce, and disseminate foreign intelligence information, and the need for effective counterintelligence.

Major Objectives:

- To provide legal advice concerning intelligence matters to the Attorney General and to the Executive Branch of government.
- To participate in the development of legal aspects of national intelligence policy.
- To review FBI and other applications for intelligence searches and surveillances and approve other counter-intelligence investigative activities.
- To represent intelligence agencies as legal counsel before the United States Foreign Intelligence Surveillance Court.
- To monitor, as appropriate, intelligence and counterintelligence activities to ensure conformance with statutory Executive Order and other guidelines.
- To participate in the drafting of procedural guidelines and new legislation for the conduct of intelligence activities.

To maintain liaison with the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence to ensure they are apprised of Departmental views on national intelligence policy, and are appropriately informed regarding operational intelligence and counterintelligence activities.

To review FBI domestic security investigations and advise the Deputy Attorney General regarding his authority with respect to these investigations.

To improve and refine the Department-wide reporting system in which misconduct and criminal allegations are made against Department employees.

To establish a comprehensive, efficient and effective internal inspection system throughout the Department by periodically evaluating organizations and programs involved with employee integrity.

To oversee and coordinate all internal investigations of serious allegations concerning the conduct of Department employees that may be in violation of law, Department regulations or orders, or applicable standards of conduct.

To ensure the effective operation of a program which facilitates the reporting of allegations of fraud, mismanagement and waste of funds.

Base Program Description: The Office of Intelligence Policy and Review (OIPR) participates directly in the interpretation and application of national intelligence law policy as the Department's representative to the National Foreign Intelligence Board. It also participates through regular consultation with senior staff of the National Security Council in considering significant operational aspects of intelligence and counterintelligence activities and through participation in ad hoc resolution of intelligence questions. The Federal Bureau of Investigation (FBI) and other agency requests that the Attorney General approves, applications for electronic surveillance, and other intelligence and counterintelligence activities are also reviewed by OIPR. Based on the findings of legal sufficiency and compliance with applicable guidelines and directives, recommendations, time are made to the Attorney General to approve or disapprove these requests.

Guided by the Office of Professional Responsibility (OPR), the Attorney General issues an annual statement to all employees of the Department reminding them of their responsibility to report misconduct encountered in the course of their duties. Efforts are also taken to ensure that all employees are reminded of the "whistle-blower" protections contained in the Civil Service Reform Act and Departmental regulations. Individual Professional Responsibility attorneys serve as direct Office liaison with internal inspection units in the Department to oversee and coordinate all internal investigations of serious allegations concerning the conduct of Department employees. To ensure the effective operation of a program which facilitates the reporting of allegations of fraud, mismanagement and waste of funds it necessary to cultivate technical audit expertise.

Accomplishments: In the area of policy development, the principal accomplishments have been in the review and refinement of a series of procedural directives governing sensitive intelligence activities. During the past year, over 30 discrete acts of procedures required under E.O. 12036 to regulate the intelligence activities of the FBI, National Security Agency (NSA), Central Intelligence Agency (CIA), Department of Defense (DOD) and Treasury, have been under review and revision as a result of the promulgation of E.O. 12333 which superseded E.O. 12036. The Executive Order governing classification of national security information, formerly E.O. 12065 and now E.O. 12356, has been revised and required revision of various implementing documents.

Legal and policy advice was provided on various intelligence-related matters, including issues and options, to the Attorney General, the National Security Council, the State Department, the White House, the Commerce Department, the NSA, the CIA, the DOD, the Assistant to the President for National Security Affairs, the Office of the DCI, the Treasury Department, the Foreign Intelligence Surveillance Court, the FBI, and various other components in the Justice Department. Substantial review has been undertaken of the Justice Department guidelines governing FBI domestic security investigations.

During calendar year 1982, the second full year the Foreign Intelligence Surveillance Act has been in effect, this was another substantial increase in the number of applications approved for electronic surveillance under the Act above the 431 approved in 1981. This represents a significant increase over calendar year 1980.

A substantial number of FBI requests to conduct undercover activities in counterintelligence cases were reviewed under the Department of Justice Appropriation and Authorization Acts for 1981. In addition, a substantial number of other counterintelligence operational activities were also considered by the office and appropriate recommendations made to the Attorney General for approval of these activities. The office also reviewed, and approved, modified, or disapproved a substantial number of FBI foreign counterintelligence activities for which the Attorney General has delegated approval authority to Office of Intelligence Policy and Professional Responsibility (OIPR). Finally, as part of its oversight functions, OIPR attorneys conducted another field evaluation of how procedures governing electronic surveillance in foreign intelligence and counterintelligence cases were being implemented.

In 1981, 397 complaints or other requests for investigation of Departmental employees were received and reviewed. Also monitored were approximately 1,200 additional investigations being conducted by the internal inspection units of the components. A comprehensive audit of the Office of Inspections of the Bureau of Prisons was also conducted.

Justice Management Division
Salaries and expenses, General Administration

Summary of Requirements
(dollars in thousands)

	Perm.	Work-	Amount
	Pos.	Years	
<u>Adjustments to base and built-in charges</u>	538	560	\$28,165
1983 as enacted			Amount
1983 pay supplemental requested:			\$1,016
Increased pay costs.....			179
Medicare costs.....			
Amount absorbed.....			-31
Net pay supplemental.....			1,164
1983 appropriation anticipated.....	538	560	29,329
Transfer from the General Legal Activities Appropriation.....	8	10	573
Transfer from the Working Capital Fund.....	6	6	306
Uncontrollable Increases:			
Annualization of 1983 pay increase.....	...	...	31
Annualization of Executive Level pay increases.....	...	...	26
Annualization of medicare costs.....	...	...	60
Within-grade increases.....	...	...	180
Health benefits costs.....	...	...	56
Standard level user charges (S/LUC).....	...	...	1,047
Restoration of standard level user charges base.....	...	...	279
GSA recurring reimbursable services.....	...	...	26
CAP telephone rate increase.....	...	...	15
Telephone system line charges.....	...	...	38
Full-field investigations.....	...	...	6
GPO printing costs.....	...	...	3
Employee data payroll services.....	...	...	5
General pricing level adjustment.....	...	...	282
Total, uncontrollable increases.....	...	...	2,054
Decreases:			
Nonrecurring cost for change in hourly rate.....	...	...	-61
One less compensable day.....	...	...	-72
Postal service redistribution.....	...	...	-133
Departmental telecommunications redistribution.....	...	...	-72
Total, decreases.....	...	...	-338
1984 Base.....	552	576	31,924
Estimates by budget activity/program			
I. Program Direction and Policy Coordination:			
Justice Management Division	530	558	\$25,873
	530	570	\$25,570
	552	576	\$31,924
	552	576	\$33,824
	...	...	\$1,900
			34

Justice Management Division
Salaries and Expenses, General Administration

Activity Resource Summary

Activity: Program Direction and Policy Coordination	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease	
	Perm. Pos.	WY Amount	1983 Anticipated	Perm. Pos.	WY Amount	1984 Base	Perm. Pos.	WY Amount	1984 Estimate	Perm. Pos.	WY Amount
Justice Management Division.....	447	\$24,085		461	\$26,403		461	\$26,403	\$28,303	...	\$1,900
Departmental Audit.....	91	5,244		91	5,521		91	5,521	5,521	...	...
Total.....	538	29,329		552	31,924		552	31,924	33,824	...	1,900

The Program Direction and Policy Coordination budget activity includes resources for the direction and supervision of all activities and programs of the Department.

301

Activity: Program Direction and Policy Coordination	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease	
	Perm. Pos.	WY Amount	1983 Anticipated	Perm. Pos.	WY Amount	1984 Base	Perm. Pos.	WY Amount	1984 Estimate	Perm. Pos.	WY Amount
Justice Management Division.....	447	\$24,085		461	\$26,403		461	\$26,403	\$28,303	...	\$1,900

Long-Range Goal: To ensure that the management initiatives of the President, the Attorney General and the Congress are implemented soundly and responsibly and that administrative support services are delivered efficiently and effectively.

Major Objectives:

To assure that the Attorney General is able to exercise control and policy administration in the area of personnel, property management, procurement and ensure effective delivery of administrative support services.

To increase the effectiveness and efficiency of program delivery through improved program and financial management, accounting, budgeting, program evaluations, and management assistance studies.

To effect major improvements in the Department's automated information and communications management activities, including the provision of a comprehensive information retrieval network and the development and implementation of systems for automated legal research, litigation notice, and compatible case management and tracking.

To ensure that selected Department management activities are provided central direction and control.

To provide legal support and legislative advice in administrative/management areas.

To provide for the security, safety and health of Departmental personnel, and safeguard property and information; ensure a high degree of responsiveness to continuity of government during peacetime and wartime national emergencies.

To reduce the degree of underrepresentation which exists in the Department's employment of women, minorities and handicapped individuals.

Base Program Description: The Assistant Attorney General for Administration (AAG/A) provides direct supervision for unusually sensitive areas of management responsibility within the Justice Management Division (JMD). These areas include legal counsel, equal employment opportunity, and security programs of the Department. Each of the three main organizational components of the Division is supervised by a Deputy Assistant Attorney General. This structure facilitates the administration of the Division by providing for accountability and delegation of responsibility.

The Office of Personnel and Administration, under the direction of a Deputy Assistant Attorney General, ensures that departmental orders and directives which set forth policy and program requirements for personnel, procurement and property management are developed. Personnel and procurement actions are processed ensuring adherence to all rules and regulations disseminated by Office of Personnel Management, Office of Federal Procurement Policy, General Services Administration, and other regulatory agencies. Direct management or oversight of all Departmental buildings and space assignments, including property transfers, renovations and mail management is performed by this office. Depending upon the nature and significance of the activity, method and procedure may vary for accomplishing the tasks at hand.

The Office of the Controller, under the direction of a Deputy Assistant Attorney General, ensures that the Department's management and budget responsibilities are carried out through comprehensive analyses of organization's program plans, budget estimates, appropriation and authorization requests and that these activities meet Congressional, Presidential and Departmental policy initiatives. Studies and evaluations are performed in response to concerns of Congress, OMB or Departmental management. Financial and accounting systems are operated and continuously reviewed to ensure adherence to all appropriate statutory and administrative regulations.

The activities, managed by the Deputy Assistant Attorney General for the Office of Information Technology, provide professional systems analyses, and a knowledge of the legal, regulatory and policy framework governing information processing. Additional duties performed within this program include identification and validation of department-wide information and communications requirements and reviewing Departmental data processing budget forecasts.

The Justice Management Division provides legal and legislative advice on all administrative and management matters and reviews proposed responses to legislation, rules and regulations affecting the Department. The Division also develops, administers, and evaluates implementation of Department regulations and procedures for the processing of requests under the FOIA/PA and Ethics in Government Act.

The objectives of the Department's security programs are accomplished by security specialists who determine priorities, timeframes, etc. for the completion of projects. Work conforms to overall policies and directives of the Department, Executive Orders, and other agency directives and contacts are maintained with top level agency officials on problems of unusual complexity or sensitivity. JND represents the Department on various interagency groups and task forces that develop national level security and emergency preparedness policies.

The ESO objectives are implemented through a network of affirmative action managers, ESO counselors, investigators, special emphasis program managers, volunteer representatives, and ESO Officers who are assigned full and part-time throughout the Department both at headquarters and in the field.

Accomplishments and Workload:

Item	Actual		Estimates	
	1981	1982	1983	1984
Budgets reviewed and prepared	115	115	124	124
Operating Plans reviewed and prepared	198	182	182	182
Evaluations and studies	10	24	24	24
Vouchers Paid	179,500	199,600	199,600	200,000
Library purchase orders issued	8,180	8,300	8,300	8,300
Library references completed	35,024	35,841	36,600	37,000
Security inspections conducted	40	45	55	70
Personnel actions processed	11,750	11,750	11,150	11,150
FLRA case representation	65	65	65	65

Accomplishments: The following are examples of 1982 and 1983 workload and accomplishments not quantified above.

Provided staff support in establishing the President's Task Force on Organized Crime and Drug Enforcement.

Negotiated a delegation of authority from the General Services Administration to delegate to the Department, the responsibility to operate and maintain the Main Justice and J. Edgar Hoover Buildings. This will result in some 267 GSA positions being transferred to the Department to support the work effort involved.

Assisted the Office of Justice Assistance, Research and Statistics in the phase-out of the Law Enforcement Assistance Administration. This phase-out resulted in the separation of 52 full-time permanent and 15 temporary employees. This action required Congressional notification and careful financial planning.

Developed the necessary materials and coordinated the orderly consolidation of the activities of the Board of Immigration Appeals and the Immigration Judgeship programs into a new office called the Board of Immigration Review.

Pursuant to Executive Order 12341, dated January 21, 1982, coordinated and implemented the transfer of the responsibility for the Cuban/Haitian Entrant Program from the Department of Health and Human Services to the Department of Justice.

Directed a task force study to identify the extent of the Haitian influx and its subsequent impact on detention requirements. The study was transmitted to the White House and contributed to the new Administration's resolution to carry out a strong alien detention and interdiction policy.

Directed a task force study to examine alternatives related to the placement of responsibility for long-term alien detention.

Performed a post-implementation review of the Bureau of Prisons Accounting System and implemented Department-wide accounting requirements for debt collection activities.

Conducted a feasibility analysis of reducing Department headquarters' incoming mail sorting time and labor costs by utilizing semi-automated mail sorting equipment and conducted a study to determine the feasibility of expanding the headquarters' mail operation by providing mail and messenger services within the six satellite buildings in the immediate vicinity of the Main Justice Building.

Developed the Department's Automated Information Systems Policies Order (DOJ 2830.1C), published February 1, 1982, and administered, to completion, a contract to develop a risk analysis via-a-vis application systems run in the Department's central data center.

Continued management support of the Federal Bureau of Investigation's automation efforts, via-a-vis the evaluation being performed by the Jet Propulsion Laboratory, to determine the operational, economic, and technical feasibility of the Automated Identification Division System (AIDS III).

Program Changes:

The increased level of funding will enable the JMD to embark upon a project to upgrade the Department of Justice administrative systems. It is important to recognize that these programs support financial management, personnel processing, and employment compensation for the entire Department, except for the FBI. These systems were designed in 1970 to meet the then existing regulatory reporting requirements. Major changes have occurred since that time, both in the field of ADP technology and in the management utilization of information resources. Additionally, these systems have been the subject of many additional or changed functional requirements. Incorporation of these requirements have expanded the systems so that they now significantly differ from the original system design which was approved by the GAO. The cumulative results of these conditions are systems that are technologically obsolete, that require extensive manual processes that operate at the risk of having GAO approval withdrawn, and that provide only rudimentary management information. The Audit Staff has cited the need to redesign the automated employment systems in two audit reports: "Department of Justice Central Payroll System" (April 1981) and "Department of Justice Uniform Personnel System (JUNIPER)" (January 1982). This project will design systems to particularly focus on the OMB Circular A-123, Internal Control Concepts. The systems will focus both on the controls within the automated systems and in the outputs available for management use in the application of programmatic internal controls. Full advantages of advanced technology will be taken in redesigning the work methods of the clerical staff and in the development of computer systems. Systems documentation to support GAO and Departmental requirements, including a full set of operating procedures, will be developed. Data bases will be designed to provide management information in addition to the information required to meet the functional servicing requirements.

The payroll and personnel systems are two of the major administrative systems operated by the Justice Management Division. In order to produce effective management information and provide adequate systems of internal control it is imperative to improve the interfaces between these systems and the other major administrative support systems operated by JMD. The other major administrative support systems operated by JMD are the Legal Activities and General Administration accounting system; the Financial Management Information System; the General Procurement system; the Library Procurement system and the Property Management System. An effort will be made to identify the systems processing and data requirements of all administrative systems which can be modified or incorporated into the processes of other administrative systems. This should produce more effective management information and more efficient administrative systems control.

	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease	
	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY
Departmental Audit.....	91	94	\$5,244	91	94	\$5,521	91	94	\$5,521	...	...

Long Range Goal: To provide program oversight and review, ensuring fiscal integrity, regulatory compliance, efficient operations and program results in all internal and external activities over which the Department of Justice has jurisdiction.

Major Objectives:

To achieve an effective, balanced audit program covering the Department's internal and external activities.

To provide an effective close-out program for the remaining Law Enforcement Assistance Administration (LEAA) grants programs, as well as, continued audit support for the remaining on-going Office of Justice Assistance Research and Statistics (OJARS) programs.

To effectively evaluate the ADP facilities and systems of the Department, and to provide technical ADP support for audit activities.

Base Program Description: The objectives of this activity are accomplished by three methods: (1) audits are conducted by the staff resources of this activity, (2) under the direction of this staff, State and local criminal justice agencies receiving OJARS' funding contract with Independent Public Accountants or State and local audit agencies, and (3) other Federal agencies conduct audits of Departmental activities under a reimbursable cooperative agreement. The second and third methods are utilized by the Audit Staff in accordance with OAS Circular A-73, requiring Federal agencies to rely on non-Federal audits and audits done by other Federal agencies. However, these audit reports are reviewed by the Departmental Audit Staff to ensure that they meet Department requirements.

In April 1981, OJARS' Office of Audit and Investigation was merged with the JMD's Internal Audit Staff. The merger of these two staffs brought with it the requirement to provide close-out audits of the remaining LEAA grants, as well as, Justice System Improvement Act (JSIA) on-going audit requirements, i.e., National Institute of Justice, Bureau of Justice Statistics and Office of Juvenile Justice and Delinquency Prevention programs.

The consolidation of functions requires the Audit Staff to be responsible for not only directing internal audits of the Department's organizations, programs and functions, but external audits of all Department of Justice contracts and grants.

Audits conducted by the Staff are carried out through six field offices (to be reduced to five in FY 1984). Each of these offices is headed by a Regional Director who reports to the Audit Staff Director, and contains a mix of auditors and program analysts. The Audit Staff requires both auditors and program analysts to conduct the three types of audits cited in the GAO standards. These are: (1) financial and compliance, (2) economy and efficiency, and (3) program results. While auditors have the financial background necessary for financial/compliance audits, program analysts provides the expertise needed to conduct both economy/efficiency and program results audits.

Accomplishments and Workload:

<u>Item</u>	<u>Estimates</u>		
	<u>1981</u>	<u>1982</u>	<u>1983</u>
Departmental Audits.....	26	109	94
External Audits.....	22	34	29
			28

1. Departmental Audits are audits of internal Department of Justice activities such as administrative activities, law enforcement programs and operations or litigation programs.

2. External Audits are audits of activities conducted by organization outside of the Department for which the Department has an interest. Examples include audits of grants to state and local agencies, contracts with private industry or Criminal Justice Councils.

Administrative Review and Appeals
Salaries and expenses, General Administration
Justification of Program and Performance
Activity Resource Summary
(Dollars in thousands)

	1983 Appropriation Anticipated			1984 Base			1984 Estimate			Increase/Decrease	
	Perma. Pos.	NY	Amount	Perma. Pos.	NY	Amount	Perma. Pos.	NY	Amount	Perma. Pos.	NY Amt.
Activity: Administrative Review and Appeals											
Pardon Attorney.....	8	9	\$417	8	9	\$469	8	9	\$469	...	...
Executive Office for Immigration Review.....	239	194	8,051	239	283	11,289	239	283	11,289	...	...
Total.....	247	203	8,468	247	292	11,758	247	292	11,758	...	...

Long-Range Goal: To provide nationally a uniform interpretation and application of Immigration law and to provide the President with the best information available upon which to base a fair and just decision for clemency.

Major Objectives:

- To schedule and complete hearings before Immigration judges and to enter decisions expeditiously without unreasonable delay.
- To transcribe hearings and complete required preparation of records in appealed cases expeditiously without unreasonable delay.
- To provide additional guidelines for the uniform interpretation of Immigration laws.
- To authorize organizations and accreditation of individuals to practice before the Executive Office for Immigration Review and the Immigration and Naturalization Service (INS).
- To continue to maximize the output of administrative case law.
- To receive, process and investigate all clemency applications.
- To prepare the Associate Attorney General's recommendations of clemency to the President.

Base Program Description: This activity consists of the Executive Office for Immigration Review (EOIR) and the Office of the Pardon Attorney. As a result of a reorganization during 1983, EOIR has the responsibility for two major functions: the Immigration Judges, which was transferred from INS to EOIR; and the Board of Immigration Appeals. The responsibilities and functions of the Immigration Judges will generally remain the same under this reorganization. Immigration Judges hold hearings to determine the status of an alien. Exclusion hearings are held when aliens are believed by the examining inspector at the port of entry to be inadmissible to the United States. Exclusion hearings are to be held on the day of the alien's arrival in this country if the alien is in detention. For non-detained aliens, exclusion hearings are to be held within a week of arrival at the alien's destination in the United States. The Immigration Judge's order may admit or exclude the alien, or permit him to withdraw his/her application for admission. Deportation hearings are held in cases where deportation proceedings have been instituted. Such hearings should be scheduled within a month after deportation proceedings have been instituted. The Immigration Judge may order the alien deported; grant relief from deportation such as voluntary departure, suspension of deportation, registry, adjustment of status, political asylum or waiver of deportability; or, if the Immigration Judge decides that the Federal Government has not established deportability, terminate the proceedings. Bond determination hearings are held when an alien in custody seeks release on his/her own recognizance or a reduction in the amount of the bond.

The Board of Immigration Appeals, within EOIR, hears appeals from certain decisions of the INS officers and Immigration Judges in a wide variety of proceedings in which the Government of the United States is one party and the other party is either an alien, a citizen or a business firm. The Board of Immigration Appeals is directed to exercise its independent judgment in hearing appeals for the Attorney General and provides a nationally uniform interpretation and application of immigration laws by issuing decisions that are binding on all officers and employees of INS. The Board's decisions designated for publication are printed by the Government Printing Office (GPO) in the Board volumes of Administrative Decisions Under Immigration and Nationality Laws of the United States. The Board also renders decisions on applications by organizations that have requested to practice before the Board and the Immigration Judges, and renders decisions on individual applications by employees of such organizations. The Board improves the professional competence of staff attorneys through an in-house training program, special assignments, and selected university courses.

The Constitution empowers the President to grant reprieves and pardons for Federal offenses and he relies upon the Attorney General or his designee for advice on all aspects of the exercise of his pardoning power. The Office of the Pardon Attorney assists the Associate Attorney General in providing whatever information is deemed necessary and desirable to make a fair and informed decision in each case. The Office is the focal point for the receipt, investigation and consideration of petitions for all forms of Executive clemency and serves as the principal liaison with the general public in clemency matters.

There are two major forms of Executive clemency, namely pardon after completion of sentence and commutation of sentence. The pardon process commences with the submission of a formal petition addressed to the President, together with a personal oath and three character affidavits, requesting a pardon. A comprehensive financial statement also is required of those petitioners seeking a remission of fine. Upon receipt, the petition is docketed and an acknowledgment is sent to the petitioner or his attorney. Pardon applications customarily are referred to the Federal Bureau of Investigation (FBI) to conduct a background investigation, the scope and duration of which may vary in each case. Review of petitions seeking a commutation of sentence initially is limited to relevant Bureau of Prisons and pre-sentence reports. Within one or two weeks of the receipt of the FBI investigative reports or, in commutation cases, the relevant inmate files, the Pardon

Attorney reviews the reports to determine whether favorable consideration may be warranted. If further consideration is deemed appropriate, memoranda are prepared soliciting comments and recommendations from the sentencing judge and United States Attorney. These officials are generally given 60 days within which to reply. Other concerned Government agencies (e.g., Internal Revenue Service in tax evasion cases, Department of Defense in military cases, Criminal Division, or the appropriate Strike Force Chief) are usually consulted in those cases involving suspected organized crime figures or former Justice Department attorneys. For narcotics law violation cases, the Drug Enforcement Administration is consulted. Also, the views of the Director, Bureau of Prisons, customarily are obtained before the commutation of an inmate's sentence is recommended.

Accomplishments and Workload:

In 1982, the Board of Immigration Appeals decided 4,034 cases, an increase of 745 cases above the 1981 level, involving 4,529 aliens. The number of cases included 7,987 issues treated and 370 oral arguments heard. Also, authority to practice before the Board was granted to 27 organizations and 69 employees of such organizations. Thirty-five decisions were designated for publication in 1982. During 1982, the Board of Immigration Appeals completed publication of Volume 17 of the Administrative Decisions Under Immigration and Nationality Laws of the United States, which covers the period from June 1979 through February 1981 and includes Interim Decisions Nos. 2711 to 2851, inclusive.

During 1982, the Office of the Pardon Attorney processed 83 grants of pardon, 3 grants of commutation and handled 547 petitions which, after careful investigation, necessitated denials or no further action. In summary, this represents an increase of 85 percent in cases processed over the 1981 level. In addition to reducing the backlog of pending cases, the Pardon Attorney sent out 16,575 items of correspondence, reports and memoranda. A significant volume of this correspondence (1,262 pieces) was addressed to the White House or the Congress.

Federal Justice Research Program
Salaries and expenses, General Administration
Summary of Requirements
(Dollars in thousands)

<u>Adjustments to base</u>	<u>Perm.</u>	<u>Work-</u>	<u>Amount</u>
	<u>Pos.</u>	<u>Years</u>	<u></u>
1983 as enacted	\$350
Uncontrollable increases:			
General Pricing Level Adjustment	18
Total uncontrollable increases	18
1984 base	368

	<u>1982 as Enacted</u>	<u>1982 Actual</u>	<u>1983 Appropriation Anticipated</u>	<u>1984 Base</u>	<u>1984 Estimate</u>	<u>Increase/Decrease</u>
	<u>Perm.</u>	<u>Perm.</u>	<u>Perm.</u>	<u>Perm.</u>	<u>Perm.</u>	<u>Perm.</u>
	<u>Pos.</u>	<u>Pos.</u>	<u>Pos.</u>	<u>Pos.</u>	<u>Pos.</u>	<u>Pos.</u>
	<u>WY</u>	<u>WY</u>	<u>WY</u>	<u>WY</u>	<u>WY</u>	<u>WY</u>
	<u>Ant.</u>	<u>Ant.</u>	<u>Ant.</u>	<u>Ant.</u>	<u>Ant.</u>	<u>Ant.</u>
Estimates by budget activity/program						
3. Federal Justice Research Program	\$500	\$119	\$350	\$368	\$797	\$429

Federal Justice Research Program

Salaries and expenses, General Administration

Justification of Program and Performance

Activity Resource Summary
(Dollars in thousands)

Activity: Federal Justice Research Program	1983 Appropriation Anticipated		1984 Base		1984 Estimate		Increase/Decrease	
	Perma. Pos.	WY Amount	Perma. Pos.	WY Amount	Perma. Pos.	WY Amount	Perma. Pos.	WY Amount
Federal Justice Research Program...	...	\$350	...	\$368	...	\$797	...	\$429

Long-Range Goal: To provide empirical research that has direct and immediate significance to policy initiatives of the Attorney General.

Major Objectives:

To provide funds for research to assist in improvements in the administration of justice.

To examine Federal investigative, litigative, and corrections activities and procedures to control costs, improve effectiveness, and ensure their consistency with the policies of the Attorney General.

To conduct studies that will contribute to the coordination of the Department's enforcement responsibilities and the concurrent authority and responsibility posited with state or local officials to promote efficient and effective deployment of law enforcement resources.

To provide funds for the conduct of research studies directly relevant to the development of legislative proposals on matters of special interest to the Attorney General.

To investigate selected fundamental problems in the administration of justice and develop firm data for use in problem solving.

To provide policy analyses on short notice as requested by the Attorney General, the Deputy Attorney General, or the Associate Attorney General.

Base Program Description: The research agenda for the Federal Justice Research Program (FJRP) is derived from policy guidelines formulated by the Attorney General and articulated by the Office of Legal Policy.

To avoid duplication with other research and evaluation units of the Department, FJRP maintains close contact with the directors of these programs and regularly reviews their research agenda. Every attempt is made to have the research conducted by the organization most capable of securing research expertise, monitoring performance, and disseminating research products. All FJRP funds are used to support and procure research efforts; administrative support for the Program is provided by the Office of Legal Policy.

Research is obtained via negotiated contracts. Major procurements under PJP are typically competitive awards following requested proposals. Major procurements account for approximately 80 percent of the funds obligated. The remaining funds support short-term projects proposed by individual researchers. These "small awards" provide quick turn-around analyses on more narrowly defined policy questions. Because the Program emphasizes timely performance and delivery of specified research products, contracts, rather than grants, are the preferred funding mechanism.

Accomplishments and Workload. In 1982, a study was completed on the investigation and prosecution of concurrent jurisdiction offenses. The purpose of the report was to document the process by which cases are selected for presentation to federal or nonfederal prosecutors. A Federal Career Criminal Research project was completed which resulted in several reports: Targeting Federal Resources on Recidivists; Developing Criteria for Identifying Career Criminals; A survey of Local Career Criminal Programs; and a Survey of U.S. Attorneys and Investigative Agents. Another project completed in 1982 was an Evaluation of the Interrelationships between OADR/MW, FIDMIS, SSMI Automated Systems. These systems are concerned with, in whole or in part, the processing of criminal charges that result in court proceedings and subsequent convictions. Other court related projects in process include: A report on the role of the courts in American society and a conference on the Office of the Chief Justice. The Study of the Civil Litigation Process is now nearing completion. Proposed projects under review for funding include an evaluation of the operations of cross-deputization, a conference on attorney fees, and correlation between illegal drug use and related crime.

Program Changes: The 1983 request represents an increase of \$47,000, for the Federal Justice Research Program. This increase includes an uncontrollable increase of \$18,000 and a program increase of \$29,000 which is needed to continue projects in the areas of immigration policy, drug enforcement and violent crime initiatives in 1984.

State and Local Drug Grants Program
Salaries and expenses, General Administration
Justification of Program Performance

Activity Resource Summary
(Dollars in thousands)

	1983 Appropriation		1984 Base		1984 Estimate		Increase/Decrease	
	Anticipated		Firm.		Firm.		Firm.	
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount
Activity: State and Local Drug Grants.....	...	\$9,400	...	\$9,400	...	...	...	-\$9,400

The State and Local Grants Program, commonly titled Multi-State Regional Intelligence program, was initiated under the Law Enforcement Assistance Administration. At the initiation of Congress, the funding for the maintenance of the program was transferred to this appropriation in 1980. For grants management purposes, it is currently managed by the Office of Justice Assistance, Research, and Statistics.

The Multi-State Regional Intelligence Projects were established so that State and local governments could exchange information to assist law enforcement efforts. State and local law enforcement agencies contend that their ability to apprehend criminals is hampered because criminal organizations conduct sophisticated operations that transcend local jurisdictional boundaries.

The Administration proposes that no new funding should be provided in 1984. Although the Administration supports the concept of State and local governments exchanging information to improve law enforcement efforts, we do not believe that these projects should continue to be sustained through Federal funding. The Administration does not believe that continued Federal financial support of these programs is consistent with the larger goals of making major reductions in Federal spending and returning to State and local governments their proper authorities to set priorities for programs that primarily serve State and local objectives.

GENERAL STATEMENT

Mr. DWYER. We are pleased to welcome again to the Committee Assistant Attorney General for Administration, Kevin D. Rooney, who will present a statement in support of this request.

Please proceed in your own way, Mr. Rooney.

Mr. ROONEY. Thank you very much, Mr. Chairman.

With your permission, Mr. Chairman, I will submit the full statement for the record, and provide a brief summary of our request.

The total 1984 request for General Administration is for 943 positions and \$56,364,000. This represents an increase of 14 positions, and a net decrease of \$340,000.

There is an uncontrollable increase of \$5,852,000 and two transfers into the appropriation; one of eight positions and \$573,000 from the General Legal Activities appropriation for the centralization of the library services in the Department, and another of six positions and \$306,000 from the Working Capital Fund operations.

There are three significant program changes. One is an increase of \$429,000 for the Federal Justice Research Program, which is specifically targeted in fiscal year 1984 for the continuation of efforts in the areas of immigration policies, drug enforcement and violent crime.

The second area is a request of \$1,900,000 for the Justice Management Division, to correct deficiencies in existing administrative systems. We are talking here primarily about improving some very old centralized automated administrative systems for the Department that are operated by the Justice Management Division, as well as for enhancements and bringing automation to some other central administrative support areas.

The third major area is the \$9,400,000 decrease that is included in our request related to the State and Local Drug Grants programs. These programs, which are commonly known as the multi-state regional intelligence programs, provide financial aid to regional intelligence programs to establish operational information exchange facilities, primarily involving and serving state and local law enforcement organizations.

The Department of Justice has never requested funds for the State and Local Drug Grant program. Both this Administration and its predecessor have long believed that activities of this nature are the proper responsibility of state and local governments and are best controlled and funded at that level. It has been our experience that most of the activities funded by this grant program are primarily to serve State and local operations.

This concludes my overview, Mr. Chairman. I will be glad to answer any questions that you may have.

[The prepared statement of Mr. Rooney follows:]

DEPARTMENT OF JUSTICE

STATEMENT OF THE ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION
KEVIN D. ROONEY
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON
THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE
JUDICIARY, AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee:

I am pleased to have the opportunity to appear before you today in support of the General Administration (GA) budget request for fiscal year 1984. The total request provides for 943 positions and \$56,364,000, an increase of 14 positions and a net decrease of \$340,000. The request reflects net uncontrollable increases of \$5,852,000; transfers to the Justice Management Division (JMD) of 8 positions and \$573,000 from the General Legal Activities appropriation and 6 positions and \$306,000 from Working Capital Fund (WCF) operations. Program increases have been requested for the Federal Justice Research Program (FJRP) and JMD.

JMD is requesting \$1,900,000 to correct deficiencies in existing administrative systems. JMD provides, on a centralized basis, administrative support services to all of the offices, boards and divisions. Over the last several years JMD has realized increases in the demand for its services yet has had to accommodate this demand without an increase in personnel levels. This increase in demand has resulted from such requirements as the Prompt Pay Act, which required the development of a system to track incoming invoices through the accounting

process to ensure timely payment. Also, JMD will have to provide direct support to the new Immigration Judge function transferred from INS to the Executive Office for Immigration Review. This new function represents over a 20 percent increase in General Administration personnel without any increase in JMD support personnel to service this new function. There also has been increased emphasis by this Administration in improving cash management and debt collection initiatives. In general, JMD faces an ever increasing workload compounded by legislation and regulatory demands from central management agencies to increase management control and efficiencies.

The major thrust of the enhanced level request is to improve the delivery of support services and meet increased workload demands through increased productivity; therefore, the need for increased levels of personnel would be alleviated. This increased level of productivity can only be accomplished through improved automation support for JMD activities. The increase requested for JMD would provide needed improvements or expansion in automated systems to support, accounting and payroll operations, property and facilities management, procurement and library management. These systems improvements are necessary if JMD is going to meet its increased workload demands as well as correct some already existing system deficiencies. These improvements cannot be addressed within existing resources. This request

will not provide for a comprehensive redesign and implementation, but only short-term improvements which should provide the basis for a long-term completely integrated set of administrative systems.

The requested increase for the Federal Justice Research program of \$429,000 would restore it to the funding level requested in 1983. This program provides the Attorney General with funds for empirical research that has direct impact on the Department's policy initiatives. The program planned for 1984 requires these funds to continue projects in the areas of immigration policy, drug enforcement, and violent crime research.

The increases are offset by a program decrease of \$9,400,000 that would eliminate Federal Funding for the State and Local Drug Grants program. The State and Local Drug Grants program, commonly titled the Multi-State Regional Intelligence program, provides the bulk of the funding to intelligence exchange systems which serve primarily State and local law enforcement organizations. This Administration and its predecessor believed activities of this nature are the proper responsibility of State and local governments and are best controlled and funded at that level. Therefore, in keeping with the emphasis of this Administration, no funds are requested for this program in 1984.

This concludes my statement, Mr. Chairman. I will be happy to answer any questions you or the members of the Subcommittee may have.

AUTHORIZATION STATUS

Mr. DWYER. Thank you, Mr. Rooney.

The Department of Justice has not had an authorization for an appropriation enacted for several years. I believe the last year was fiscal year 1980.

What is the status of the authorization for the Department for fiscal year 1984?

Mr. ROONEY. Mr. Chairman, in a hearing yesterday, the Attorney General testified before the Judiciary Committee regarding our authorization request for 1984. At that time, he committed to the Chairman that we would have our authorization bill before that Committee within a week. The Chairman was particularly interested in being able to meet the May 15 deadline and seemed to be pretty much supportive of the idea that they would try to do that.

INFLATION RATE

Mr. DWYER. What level of inflation did you provide in your budget request for the fiscal year 1984, and what was the rate that you used last year?

Mr. NEILL. 5.3 percent this year, sir, and we had 7.0 percent last year.

Mr. DWYER. Is that just for General Administration or is that for throughout your Department?

Mr. ROONEY. For the Department.

AUTOMATED ADMINISTRATIVE SYSTEMS

Mr. DWYER. The justifications in support of the General Administration include an increase of \$1.9 million for the Justice Management Division to upgrade Department automated administrative systems. What specifically would these funds be used for, and would this amount fully fund this project or are you anticipating additional requests in the future years?

Mr. ROONEY. Specifically, Mr. Chairman, this would be to improve upon systems that have been in existence for about 13 years.

In 1970, around that time frame, we centralized the payroll and personnel control system for the Department. We also consolidated the accounting system for the General Administration and General Legal Activities appropriations as well as the United States Attorneys and Marshals. These systems, which were somewhat in the forefront of things in 1970, with the technology as well as with the requirements that were being levied by the Congress, GAO, OMB, et cetera, have had to be patched over the years to stay current. They are still operating fairly well. However, they need considerable overhaul with the state of the art. These will cost money. We anticipate that we probably will have to ask for some more money in the following years. Right at this time, my guess is that it would not be the level of what we are currently requesting, but we would have to wait and see how that materializes.

Mr. DWYER. So that the last time the system was upgraded was 1970?

Mr. ROONEY. That is when the system was created, and it has been upgraded constantly since then with new requirements on ac-

counting and administrative control that either the Congress or the various other administrative agencies have levied on us. However, they are all at the stage of collapse—in fact, this is quite common throughout the government now. Many talk about having to upgrade to get into a more efficient and state of the art—

Mr. NEILL. If I can comment on one point, the accounting system is one of my responsibilities, and we have more than doubled the cost of personnel overtime in the first four months of this fiscal year because the accounting system cannot keep up with things such as the Prompt Pay Act requirements. It is terribly expensive for us to keep paying high personnel costs when we can't get our systems updated for better efficiency.

FEDERAL JUSTICE RESEARCH PROGRAM

Mr. DWYER. You are also requesting an increase of \$429,000 for the Federal Justice Research Program to fund projects in the areas of immigration policies, drug enforcement and violent crime initiatives. Each of these areas have received a substantial amount of attention in the Department of Justice in recent years. What specifically would you hope to accomplish with these additional studies?

Mr. ROONEY. Mr. Chairman, the Federal Justice Research Program is the only source of funding within the Department for any type of research and other type of study, evaluative or otherwise that the Department has in the Federal area. All of the other research moneys that are appropriated to the Department are targeted towards State and local justice activities. There are continual areas which come up in some of the priority activities of the Department, like those which we mentioned, the violent crime area, the immigration area and drug enforcement, where it becomes incumbent upon us to conduct some sort of research that cannot be conducted within the Department and which is most effectively done by grants to outside parties.

We have had this appropriation for about five years, and it has continually been reduced to the point where last year's appropriation was down to about \$350,000 from, I think around \$1.5 million. It does put a considerable squeeze on us in our ability to get outside experts in the area of Federal criminal and civil justice to conduct these sorts of studies for us.

Mr. DWYER. Did any of these projects overrun their original budgets last year?

Mr. ROONEY. Not that I am aware of off the top of my head. I do have a list of some of them in front of me. I don't see any here that are highlighted as having overrun.

Mr. DWYER. Would you check that?

Mr. ROONEY. I certainly will, and we will provide it for the record.

[The following information was submitted:]

FEDERAL JUSTICE RESEARCH PROGRAM COST-OVERRUN

Each project was completed within the original budget.

EVALUATION STUDIES

Mr. DWYER. On page 47 of the justifications, there is listed a number of studies that were completed in 1982 and another study that is being completed sometime in 1983. What was the cost of each of these studies, and what changes, if any, in departmental operations resulted from the studies?

Mr. ROONEY. I believe those that you are referring to were conducted by the Evaluations Staff within the Justice Management Division.

The Evaluation Staff was created about three years ago in October of 1979, to enable the Attorney General to call upon someone within the Department who could review programs without a need to be looking to compliance, et cetera, which the audit function would do, and be looking instead to the effectiveness of activities within the Department, to allow the Attorney General to make some management decisions. The studies may be referring to ones conducted by a small staff of 26 total people, professionals as well as support people. I can provide to the Committee the salaries of those 26 people, but they were all done solely in-house and not with contract funds or consultant funds.

Mr. DWYER. When you undertake a study outside of house, are the contracts fully competitive or are they mostly sole source or fixed price cost plus?

Mr. ROONEY. It would vary. I don't want to say in most instances, but for the studies that we are talking about in the Federal Justice Research Program, usually we send out a request for proposal. Now, some are unsolicited proposals that may be awarded on a sole-source basis, but I can easily provide a listing of those.

Mr. DWYER. You will provide a list of each contractor for the record?

Mr. ROONEY. I will be glad to.

[The following information was submitted:]

LIST OF CONTRACTORS FOR FISCAL YEAR 1982

Project and contractor:
 Career Criminal Research Project, INSLAW, Inc.
 Investigation and Prosecution of Concurrent Jurisdiction Offenses, INSLAW, Inc.
 Interrelationship of COURTRAN/PROMIS/SENTRY Automated Systems, International Business Service.
 Report on the Role of the Courts, Institution of Judicial Administration.
 Study on the Costs of Civil Litigation, University of Wisconsin.
 Conference on the Office of the Chief Justice, University of Virginia.

REGIONAL INTELLIGENCE NETWORKS

Mr. DWYER. Mr. Early.

Mr. EARLY. Thank you, Mr. Chairman.

Mr. Rooney, it bothers me that you want to eliminate \$9,400,000 in Federal funding for State and Local Drug Grant programs.

Mr. ROONEY. Yes, Mr. Early. If I can give a little bit of the background. In the statement we indicate that we have never as a Department, either in this Administration or in the prior Administration, asked for money for this program. It was initially begun, I believe, in 1980, at the request of the Senate—as a matter of fact, the Senate Appropriations Committee—and we have found over the

years that this program's funding has grown from \$5 million up to \$9.4 million. We are primarily funding small regional intelligence organizations which are serving primarily State and local governments, in most instances in very small regions, and are for the most part not State or local hosted organizations, but primarily privately run operations.

We have found, both through our programmatic review of them and our compliance, our internal audit type reviews of them, that there are serious questions as to financial accountability. Burdens which we as a Department are not really able to accept because we don't have the resources to go out and monitor and supervise the projects.

We have found that if these projects are indeed useful to the States and localities, that they should be interested in funding them themselves. If they have been classified as proven programs, under our Criminal Justice Assistance proposal, the \$90 million proposal, these would qualify.

Mr. EARLY. Once again, we see the Senate or the House putting in money for a program, and the Justice Department immediately says, "It is a bad idea." Every time we fund something, the following year the Department knocks it out.

I don't want to dispute your point about financial accountability. If there is anything that is difficult—and I sympathize with the controller or auditor—it is being accountable for money, because in intelligence it's difficult to get accountability.

The only way we are going to have some access to this type of program is if we delete your overtime. This is a \$9,400,000 program that is run by the states.

In my region this is a multi-state program—Massachusetts, Maine, etc. It is very effective. Sometime it's hard to account for who catches the criminals.

Drugs are coming in through Maine. They are coming in at the Cape area. Several states are involved in this operation. They have made some tremendous breakthroughs.

You may know what happened in Massachusetts with law enforcement people; that they indicted and convicted. I suggest that this money helps as much as any other intelligence funding.

Mr. ROONEY. I think what we are saying—I am not disagreeing with that because there are certainly some that have been effective and have accomplished something—what we are basically saying is that this program, which was started originally by LEAA with some seed money—

Mr. EARLY. They had to do something right, too, you know.

Mr. ROONEY. That is right, and they did. I think that in a way is a point, because they had several programs that worked.

Under the Criminal Justice Assistance proposal, we are saying that we will fund those programs that have proven themselves, and that the States and localities are interested in continuing with some cost. The Criminal Justice Assistance Act will require a 50/50 match rather than a full 100 percent grant from the Federal Government. We would have some assurance that those programs that are funded are the ones that are doing something for the State and local governments as well as for the Federal effort through the use of intelligence.

FINANCIAL ACCOUNTABILITY OF REGIONAL INTELLIGENCE PROGRAMS

Mr. EARLY. This morning the Attorney General testified. We are not dealing with the States in local grants. You are terminating it on the assumption of new legislation. You are looking for new appropriations for new programs for which we don't even have authorizations. I just think it is much better to keep a system that is intact, where you can get the money out.

I can only speak for my own State. This money is very effective. My local authorities in drug enforcement—that is in my own district in Worcester—will give all the credit to the Feds. They will say, "If we didn't have the Federal money to make the buy, we couldn't do it."

There is no local money, and there is no State money. The Justice Department keeps terminating every single program we have.

Again, on the issue of financial accountability, if there is anyone with funds that are less accountable than the Justice Department, I haven't met them. I say that respectfully. You put money out, you make buys, you give, so to speak, bribes. Some of the money comes back, some doesn't.

Is overtime, overtime pay, done on a blanket approval?

What is the overtime account request, Mr. Osthaus?

Mr. OSTHAUS. It is around \$80 million. I will have to check that.

Mr. EARLY. Is that all, \$80 million?

Mr. OSTHAUS. That is Administratively Uncontrollable Overtime.

[The total amount requested for Administratively Uncontrollable Overtime for fiscal year 1984 is \$73,484,000.]

Mr. EARLY. Do you or your colleagues want to account for that?

Mr. ROONEY. Give us the financial accountability.

Mr. NEILL. There are audits done of those programs.

Mr. EARLY. I say that facetiously and not disrespectfully. There are many programs on intelligence.

It is like defense. I will accept some of that, but don't always knock out programs that either the Senate or the House put in.

The New York people that administer the program tell me that they get a lot of results from it.

Mr. ROONEY. Mr. Early, even though you say it with respect, I don't want to let it go unanswered that we do not have accountability in the Department, because in all of our programs, including what you are referring to, the administratively uncontrollable overtime account, which is largely in our investigative agencies, such as the FBI, we do have controls. We do regular audits, and that account is very regulated within the FBI. We know where that money is going. We know it is going to agents, not to anyone other than agents in the FBI, for services rendered.

All of the other money, the grant moneys, the only areas where we of late had difficulty in accounting for where moneys are going have been programs that we have audited under the State and Local Drug Grant program. I am not making an across-the-board slap at all of them—I am really not—except that there are several areas where our reviews have discovered that there are some concerns on the part of the State and local governments that maybe these private intelligence networks—and that is what they are,

they are intelligence networks—are not providing any service to those State and local governments.

Some of them are in areas where they do not include the large cities and don't want to include the large cities. That being the case, we want to support, if we are going to provide Federal funds, programs that are effective. We must be able to rely on them very much through all of our efforts in the narcotics areas, particularly in the new task force efforts.

There is money in the task force effort for state and local cooperation with the state and local narcotics agencies.

Mr. NEILL. Three million dollars in 1984 for that alone.

Mr. ROONEY. Basically what we are trying to say is we are not knocking it out because it is a Congressional initiative. I appreciate—

Mr. EARLY. You are saying that. I don't agree with you. I disagree with you 100 percent.

Historically, when Congress puts something in, whether it is in the Justice Department or another department, the executive knocks it out. The local people come back to me, at least, and say it is working.

My state cannot absorb what you are suggesting they absorb. I would hope you would agree that there is often an "authorship" issue in intelligence. The localities and the state have trouble working with the Feds, since the Feds never give them 100 percent of the information, but I can accept that.

MULTI-STATE LAW ENFORCEMENT EVALUATION

I understand, Mr. Rooney, that the Department had an independent evaluation made of six of the multi-state law enforcement projects. What were the results of those evaluations?

Mr. NEILL. There were audits done within the Department in terms of the financial compliance and regulations, following regulations which Mr. Rooney mentioned earlier, and we have findings.

Those are available to the Congress, but I believe there was a separate independent one that we did not do. There is one which is funded in this year's appropriation.

We have done audits in terms of whether they were following the regulations, the types of things that Mr. Rooney discussed a few minutes ago, where we did find a series of irregularities.

Mr. EARLY. Did the evaluation include a recommendation as to whether or not funding for this program should be continued?

Mr. NEILL. They were not of that type. They were the type that dealt with whether or not the funds could be accounted for. There were some difficulties found.

Mr. EARLY. How much of the \$80 million in the uncontrollable overtime could you account for, if I told you to put it in the record?

Mr. NEILL. It would account for all of it.

Mr. EARLY. Could you account for all of it?

Mr. NEILL. Yes.

Mr. EARLY. I've got a couple of evaluations and they don't suggest that the multi-state programs haven't been productive. You are suggesting that—

Mr. NEILL. I don't think we have suggested that. What we have suggested is in some of the areas, because they operate without proper oversight even by their own State authorities, that the kind of control over whether or not the Federal funds are being spent properly is not there.

I think the Department's position has been that, since we don't control them, we are somewhat concerned about having the responsibility for handling the funding.

Mr. EARLY. I appreciate your concern but I think the conclusion that you make is wrong.

Mr. NEILL. There is an evaluation that goes to the subject of impact, in other words, how effective, which is being conducted this year, and it should be complete shortly.

Mr. EARLY. In terms of impact, LEAA bothered us, Mr. Rooney, as you know.

Mr. ROONEY. Right.

Mr. EARLY. We try to implement the best crime fighting programs with our money, but I think a lot of these State programs do work.

Mr. ROONEY. We don't disagree with that.

Mr. EARLY. You don't disagree, but you won't give the States any money.

Mr. ROONEY. No, that is not what we are saying.

Mr. EARLY. That is really the only disagreement that there is.

Mr. ROONEY. What we are saying is that with this program—the \$9.4 million—we really do have concerns about where a lot of that money is going. As you were just discussing with Mr. Neill, we are concerned about the accountability of that money. What we are saying is, where there is a readily accepted view of the states and localities that a program has been effective and proven they should be willing to continue funding.

I hear what you are saying about the New England one. If indeed the States and localities are willing to contribute to that, then under the Criminal Justice Assistance proposal we would be willing to meet those dollar commitments and support it. But under this program, which is not the only program outside of the juvenile justice one that we have in the Department for these purposes, we are providing 100 percent funding for these private intelligence networks, without any review by the States, the localities or the Justice Department.

Mr. EARLY. And that other one that you say affecting you also didn't recommend anything for the juvenile justice program, did you?

Mr. ROONEY. No, we are recommending nothing for that.

IMPROVEMENTS IN AUTOMATED SYSTEMS

Mr. EARLY. You haven't recommended it in the past. It is added by Congress. I just don't think you are giving it enough credit.

The budget request includes an increase of \$1.9 million to upgrade and correct deficiencies in the Department's administrative system. What types of deficiencies exist?

Mr. ROONEY. Let me just give a little bit of information on that. Then I will ask Mr. Neill to respond since these fall directly under his personal control.

In 1970, as I mentioned to Mr. Dwyer, we established centralized systems for payroll and for personnel control, to answer some of the questions that we get asked. The accounting system controls the accounts of all of the administrative and legal aspects of the Department's activities, not those of the investigative agencies.

These systems were outstanding systems in 1970. They were really in the forefront of systems around the government. They are still operating today. They are operating through at least five or six changes a year that modify those programs, and frankly, the state of the art is 13 years old.

The systems are really a concern because of potential loss of control, and increasing overtime requirements. We have had to implement the Prompt Pay Act, where we have to pay our bills within 30 days. We assumed, and we were not too far from wrong, that we were paying them, but in order to build in that feature to ensure that we did, we have had four months of horrendous overtime. We don't have an overtime account at the Department.

Mr. EARLY. Administrative overtime?

Mr. ROONEY. Not for our activities. It has been extremely costly. The increased resources in the Department for United States Attorneys, et cetera, has put tremendous burdens on the administrative staffs, which in fact we have decreased rather than increased over the last five or ten years. We are not asking for more personnel resources.

The answer really is automation, and we need to get all of our systems up to where they are operating with today's technology, and can provide the kind of quick response that we need. Then we can find out whether a problem exists today rather than doing an audit 15 months later, and saying, "Boy, you really messed up in 1982." This is what the money is for.

Mr. EARLY. I listened to some testimony about automation yesterday that I think we could do without.

Mr. ROONEY. What was that?

Mr. EARLY. What is it, PMS?

Mr. OSTHAUS. Probation Management System.

Mr. EARLY. Mr. Neill, will you provide for the record a breakdown of what the \$1.9 million will be used for?

Mr. NEILL. Certainly.

Mr. EARLY. Does this involve any ADP upgrading or enhancements?

Mr. ROONEY. Systems, but not necessarily equipment, et cetera.

Mr. EARLY. Does this improvement in envision additional costs in future years?

Mr. ROONEY. It could.

Mr. NEILL. Yes.

Mr. EARLY. Would you provide us with a statement for the record as to what that will be, or can you tell us?

Mr. NEILL. Yes.

FY 1984 Justice Management Division Enhancements
(Dollars in thousands)

\$700	Contractual services necessary to upgrade the automated employment and accounting systems.
408	Contractual services necessary to upgrade the Property Management, Facilities Management, and Personnel Systems and improve their linkage with the accounting system.
266	Software enhancements and the acquisition of a more sophisticated minicomputer for the Library.
250	Contractual services for the development and implementation of a Common Command Language for accessing various automated legal data bases providing for expanded computer-assisted research.
276	The purchase of microform editions to replace hardcopy material, e.g. Congressional hearings and Supreme Court Records and briefs.

\$1,900

At the present time it is difficult to assess how much these and other mandated improvements will require in additional resources for future years. There is currently a strategic planning committee determining the current and future automated needs of JMD. Given the nature of the above enhancements, the growing financial control requirements imposed by Congress and the Executive, and the resulting decisions of the planning committee, there are likely to be future resource requirements.

EVALUATION OF FBI UNDERCOVER PROGRAMS

Mr. EARLY. The House report on the 1982 Authorization Bill recommended that the Attorney General evaluate the undercover programs of the FBI, and in particular to focus on whether undercover operations actually reduce the level of the type of crime under investigation.

Who is conducting that study?

Mr. ROONEY. It is conducted by the FBI with the Department staff monitoring.

Mr. EARLY. What do you think of the results?

Mr. ROONEY. We will wait until the study comes out.

Mr. EARLY. I would like to do studies on it myself.

Mr. ROONEY. I am not saying it will be done by the people that run the undercover program. The Department and the FBI will work on that one together.

The staffing for it has been assigned to the FBI, because that is where the expertise is.

Mr. EARLY. Do you think that is good administrative procedure?

Mr. ROONEY. In most of our evaluation studies we do them in one of two ways.

One is that we do it strictly with departmental staff.

Another side, we try to involve the organizations, or we request the organization to do it with the monitoring by the Department. We found these methods to be pretty effective.

It is difficult to submit to the Attorney General, since it will be the Attorney General's final product, a report that is clearly not responsive to reality.

Mr. EARLY. Thank you, Mr. Chairman.

Mr. DWYER. Thank you, Mr. Rooney. We will have some more questions that we will submit to you for answers for the record.

Mr. ROONEY. Thank you.

[The questions referred to and the answers follow:]

QUESTIONS SUBMITTED BY MR. SMITH

Increased Pay Costs

QUESTION:

Could you provide for the record a listing of the total cost of the pay raise that was granted in October of 1982 and the increase in the pay cap for senior level employees that was granted in December of 1982 for each appropriation item in the Department? Also for each of the appropriation items, provide how much of the total cost you are requesting in the 1983 pay supplemental and how much of the total cost you are planning to absorb?

ANSWER:

See attached chart 1.

General Pricing Level Increase

QUESTION:

In view of the current rate of inflation, could your supplemental request for fiscal year 1983 for pay costs and your budget request for fiscal year 1984 be reduced?

ANSWER:

No. pay costs are calculated independently of any inflationary adjustment to the budget request. These costs were reduced by an absorption rate of approximately 12 percent or \$10,547,000. The 1984 request includes an inflation rate adjustment approximating the current and projected inflation rates. The budget base was constructed without inflation rate adjustments prior to 1981, and since that time has been factored by rates equal to or less than the actual inflation experienced. Also, since budget estimates are prepared some 18 months in advance it is more reasonable to expect some inflation rather than trade on expected declines.

FY 1984 Requests to the Department and to OMB

QUESTION:

Would you provide for the record a list of the individual appropriation items and include for each the request that was submitted to the Department, the request that was submitted to OMB and the request that was submitted to the Congress in the President's budget. In addition, provide the positions requested for each account.

ANSWER:

See attached chart 2.

DEPARTMENT OF JUSTICE
Analysis of 1983 Increased Pay Costs
(In thousands of dollars)

APPROPRIATION	GS/GM Direct Pay	Executive Level	Medicare Costs	Other Benefits	Absorbed by Administrative Action	Additional Appropriation Required
General Administration						
Salaries and Expenses.....	\$1,244	\$253	\$287	\$146	\$99	\$1,831
Working Capital Fund.....	385	...	...	133	518	...
U.S. Parole Commission.....	137	50	43	17	31	216
General Legal Activities.....	3,214	566	780	315	155	4,720
Foreign Claims Settlement Commission..	11	14	5	2	4	28
Antitrust Division.....	631	355	227	81	161	1,133
U.S. Attorneys & Marshals.....	7,974	879	1,757	746	546	10,810
Community Relations Service.....	129	56	32	15	29	203
Organized Crime Drug Enforcement.....	4	...	4	1	9	...
Federal Bureau of Investigation.....	20,556	1,739	5,018	2,179	1,327	28,165
Drug Enforcement Administration.....	5,144	839	1,193	538	380	7,334
Immigration & Naturalization Service..	11,181	238	2,388	1,145	3,689	11,263
Federal Prison System						
Salaries and expenses.....	8,826	206	2,165	658	1,482	10,373
National Institute of Corrections...	32	9	10	3	54	...
Buildings and Facilities.....	19	...	6	...	25	...
Federal Prison Industries.....	931	...	...	73	1,004	...
Commissary Funds.....	52	...	...	4	56	...
Total, Federal Prison System.....	9,860	215	2,181	738	2,621	10,373
Office of Justice Assistance, Research, and Statistics.....	719	146	79	34	978	...
TOTAL, ALL PAY INCREASES.....	61,189	5,350	13,994	6,090	10,547	76,076

\$392,000 will be transferred from reversionary funds to cover payment to the Census Bureau.

Chart 1

APPROPRIATION OF FUNDS
 Appropriation History - 1964
 (figures in thousands)

Appropriation	1963 Appropriation Multi-Year Total	Organization's Request 1964	Organization's Request 1964	Request to Congress 1964	Request to Congress 1964
General Administration					
Department Administration.....	50	\$4,002	50	\$4,219	50
Executive Support.....	66	3,806	66	3,775	66
Office of Administration.....	22	1,447	22	1,270	22
Justice Management Division.....	548	29,324	553	32,775	552
Administrative Review and Appeals.....	247	8,408	253	11,006	247
Federal Justice Research Program.....	...	250	...	841	...
State and Local Law Center.....	...	...	...	...	...
Total, General Administration.....	885	\$27,814	942	\$34,560	943
U.S. Parole Commission.....	157	6,879	157	7,410	157
General Legal Activities:					
Section General.....	40	3,349	40	3,380	40
Section Criminal.....	744	20,679	744	20,679	744
Criminal Division.....	...	...	...	...	...
Civil Division.....	...	...	...	...	...
Land and Natural Resources Division.....	...	...	...	...	...
Office of Legal Counsel.....	...	...	...	...	...
Civil Rights Division.....	...	...	...	...	...
Legal Division.....	...	...	...	...	...
Total, General Legal Activities.....	2,783	\$28,028	2,783	\$28,028	2,783
Foreign Claims Settlement Commission.....	18	802	18	802	18
Antitrust Division.....	742	\$4,522	742	\$4,522	742
U.S. Attorneys and Marshals:					
U.S. Attorneys.....	4,560	227,492	4,560	240,240	4,560
U.S. Marshals.....	167	7,606	167	7,606	167
Total, U.S. Attorneys and Marshals.....	4,727	\$248,098	4,727	\$247,846	4,727
Support of U.S. Prisoners.....	...	34,294	...	34,970	...
Pier and Expenses of Witnesses.....	...	5,700	...	5,700	...
Community Relations Service.....	88	5,367	88	5,367	88
Organized Crime Law Enforcement.....	...	127,200	...	...	...
Federal Bureau of Investigation.....	19,479	\$93,319	21,879	\$104,500	21,880
Drug Enforcement Administration.....	3,223	\$25,496	4,363	\$34,146	4,363
Immigration and Naturalization Service.....	10,403	\$47,694	10,741	\$56,180	10,741
Federal Prison System:					
Administration and Finance.....	9,005	371,422	9,013	371,422	9,013
Prisoners and Prisoners' Families.....	...	...	...	...	...
Prisoners and Prisoners' Families.....	...	...	...	...	...
Total, Federal Prison System.....	9,005	\$371,422	9,013	\$371,422	9,013
Office of Justice Administration.....	...	127,200	...	...	...
TOTAL, DEPARTMENT OF JUSTICE.....	28,805	\$1,480,928	29,144	\$1,480,928	29,144

GSA SLUC Charges

QUESTION:

Would you provide for the record a list of the individual appropriation accounts and include for each of them the amount that was provided in fiscal year 1983 for GSA SLUC charges, the amount requested for fiscal year 1984, the amount of the change between fiscal year 1984 and 1983, the percentage change and a statement as to whether or not GSA is attempting to recoup the amount that was cut from the fiscal year 1983 budget requests as a result of the freeze on GSA space rental rates by the Congress.

ANSWER:

1983-1984 GSA SLUC Charges
(Dollars in thousands)

<u>Appropriation</u>	<u>1983</u>	<u>1984</u>	<u>Difference</u>	<u>Percentage Change</u>
General Administration....	\$3,311	\$5,666	\$2,355	71.1
U.S. Parole Commission....	468	1,016	548	117.1
General Legal Activities..	7,816	15,122	7,306	93.5
Foreign Claims.....	103	229	126	122.3
Antitrust Division.....	2,928	5,020	2,092	71.4
U.S. Attorneys & Marshals.	27,158	36,136	8,978	33.1
Community Relations Ser...	425	903	478	112.5
Organized Crime Drug Enforcement.....	...	103	103	...
Federal Bureau of Investigation.....	43,839	52,217	8,378	19.1
Drug Enforcement Admin....	15,203	18,412	3,209	21.1
Immigration & Naturaliza- tion Service.....	17,840	25,375	7,535	42.2
Federal Prison System.....	1,322	2,308	986	74.6
Office of Justice Assistance.....	831	841	10	1.2
TOTAL, DEPT. OF JUSTICE...	121,244	163,348	42,104	34.7

GSA is not escalating its 1984 space rental rates to recoup funds lost in 1983 because of the Congressional freeze. GSA established the 1984 rates before the Congressional freeze was imposed.

Administratively Uncontrollable Overtime

QUESTION:

How much are you requesting for administratively uncontrollable overtime for each of the organizations in the Department that participate on the AUO system?

ANSWER:

1984 Administratively Uncontrollable Overtime
(In thousands of dollars)

<u>Appropriation</u>	<u>1984 Request</u>
U.S. Attorneys and Marshals.....	\$54
Organized Crime Drug Enforcement ^a	3,796
Federal Bureau of Investigation.....	45,359
Drug Enforcement Administration.....	10,374
Immigration and Naturalization Service.....	13,901
Total, Department of Justice.....	<u>73,484</u>

^aReimbursements to participating agencies.

Appropriation Language Changes Requested

QUESTION:

Would you please provide for the record a listing of all of the appropriation language changes for each appropriation account that you are requesting for fiscal year 1984.

ANSWER:

Summary of Appropriation and Authorization Language Changes

Appropriation Language Changes

General Administration

The amount made available to the Federal Justice Research Program is increased from \$350,000 to \$797,000.

United States Attorneys and Marshals

The bankruptcy trustees program is recommended for termination at the end of 1983. The reference to bankruptcy trustees is therefore deleted.

Support of United States Prisoners

Language limiting the amount that may be spent on the Cooperative Agreement Program to \$4,050,000 has been deleted. In its place is a provision that not to exceed \$10,000,000 may be advanced from the appropriation "Organized crime drug enforcement" for the purpose of renovating, constructing and equipping state and local jail facilities that confine federal prisoners. The limitations established in 1982 and refined in 1983 on how construction funds must be used for the purpose of providing space for federal prisoners are continued and are applied to amounts transferred to this appropriation as well as to amounts that may be directly appropriated for the Cooperative Agreement Program within this appropriation. In 1984, the request provides no direct funding for the Cooperative Agreement Program.

Organized Crime Drug Enforcement

A provision allowing \$18,000,000 in no-year funding for the construction and remodeling of federal prison facilities is replaced by a \$6,000,000 no-year funding provision. Separate no-year funding authority in the amount of \$2,500,000 is requested for the Presidential Commission on Organized Crime. Further language changes provide that \$14,000,000 of the amount appropriated for the purchase of automated data processing and telecommunications shall be available until the end of fiscal year 1985 and that \$9,619,000 requested for undercover operations shall also remain available through 1985.

Federal Bureau of Investigation

The current \$3,000,000 limitation on the amount that may be carried forward one fiscal year for automated data processing and telecommunications is increased to \$52,000,000. Similarly, the provision designed to assure the continuity of undercover operations from year to year has its one year carry forward limitation increased from \$600,000 to \$1,000,000.

A special multi-year funding authority of \$10,000,000 is requested in 1984 to permit the relocation of the Washington Field Office.

A recent revision in the U.S. Code makes it necessary to cite 31 U.S.C. 3302 instead of 31 U.S.C. 483(a) and 484, as these provisions relate to the collection of fees for the processing of fingerprints.

Drug Enforcement Administration

The number of vehicles that may be purchased for police type use without regard to the purchase price limitation is increased from 277 to 682. In addition, the language would permit the Drug Enforcement Administration to add 206 passenger motor vehicles to its existing fleet. The increase in the fleet will be funded through reimbursement from "Organized Crime Drug Enforcement."

Immigration and Naturalization Service

A language change increases the amount which may be paid to aliens who work for the Service while held in INS detention facilities. Eight U.S.C. 1555 requires that the rate of payment of allowances be specified from time to time in the appropriations act. The present rate of reimbursement, \$1.00 per day, has been in effect since 1948, and is too low to encourage aliens to volunteer for work in and around the detention facilities.

Section 501 of the Refugee Education Assistance Act of 1980 relates to the processing, care, maintenance, security, transportation and the initial reception and placement of Cuban and Haitian entrants. H. Doc. 97-168 transmitted a request to make 1983 funds for this purpose available until expended, but was not acted on by the Congress.

New multi-year language has been added to permit \$10,090,000 to remain available for obligation through the end of fiscal year 1985 for the purpose of establishing a National Records Center. In

addition, \$11,134,000 is requested to remain available through 1985 to implement a long-range automated data processing plan.

Federal Prison System - Salaries and Expenses

In 1983, the language provided for the replacement of 27 law enforcement and passenger motor vehicles and the purchase of 4 new vehicles for the fleet. The request for 1984 would permit 31 replacement vehicles to be purchased.

Justice Assistance

The appropriation language proposed for 1984 is premised on the enactment of a legislative proposal being prepared by the Administration that incorporates all of the major provisions of the proposed Justice Assistance Act of 1982. Although this legislation was pocket vetoed for other reasons, the parts relating to financial assistance to state and local governments are expected to be enacted substantially as supported by the Department last year.

As a result of the proposed legislation, the maintenance of separate appropriations for "Law enforcement assistance" and "Research and statistics" is unnecessary. The new language omits reference to the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, because the Administration believes further progress can best be achieved through state and local support. The new language includes a provision merging the existing appropriations to simplify budget and accounting procedures.

General Provision

The request would provide \$65,000 for reception and representation expenses instead of the current \$35,000. The Administration also requests deletion of the section incorporating provisions of the Department of Justice Appropriation Authorization Act, fiscal year 1980 into the appropriation.

Federal Justice Research Program

QUESTION:

On page 47 of the justifications there is listed a number of studies that were completed in 1982 and another study that is being completed sometime in 1983. What was the cost of each of these studies and what changes, if any, in departmental operations resulted from these studies?

ANSWER:

Costs of the studies listed on page 47 of the justifications were:

Career Criminal Research Project - \$300,000

Investigation and Prosecution of Concurrent Jurisdiction
Offenses - \$274,000

Interrelationship of COURTRAN/PROMIS/SENTRY Automated System -
\$62,623

Report on the Role of the Courts - \$37,000

Study of the Costs of Civil Litigation - \$1.9 million

Conference on the Office of Chief Justice - \$8,000

Research studies funded by the Federal Justice Research Program do not necessarily immediately result in changes in departmental operations. The court related studies: Cost of Civil Litigation, Report on the Role of the Courts, Conference of the Office of the Chief Justice, The Interrelationship of the Courtran, Promis, Sentry were prepared to improve understanding and provide policymakers with substantive information on these subjects.

The studies affecting the U.S. Attorneys offices have been forwarded to them for their use. The Career Criminal Research project resulted in a set of criteria for identifying career criminals. Each U.S. Attorney has been encouraged to review and use those criteria as appropriate in deciding whether to prosecute. The Concurrent Jurisdiction Offenses Study is being used by the LECC's in their coordination activities.

QUESTION:

What is the most common type of contract used when entering into these agreements -- are these contracts fully competitive, are they mostly sole source, are they fixed price or cost plus fixed fee contracts or what?

ANSWER:

The most common type of contract used for the above contracts was sole source.

State and Local Drug Grants

QUESTION:

The budget request for General Administration reflects a reduction of \$9.4 million associated with the elimination of the State and Local Drug Grants Program. The justifications indicate that the reason the Administration is again proposing elimination, is that the states should be encouraged to assume the costs associated with drug projects. What information do you have that indicates the states are in a position to assume the funding of projects that were funded through this program?

ANSWER:

Since the inception of the multi-state systems, they have been supported with approximately \$35 million of federal funds with no matching funds required from the participating state or local jurisdictions. A significant portion of the federal funds are used for purposes which are typically the responsibility of state and local governments. For example, one-third of the total personnel costs of the projects is consumed in reimbursements to state/local govern-

ments for their employees who work on the Regional Information Sharing System (RISS) projects and almost one million dollars per year is spent for telephone service.

Because there is no objective evidence that the RISS projects are cost-effective and, in recognition of the fiscal constraints under which all federal agencies must operate, it is the Department's view that the participating state and local jurisdictions should supply the funds necessary for operation of the projects.

QUESTION:

An additional \$3.4 million was appropriated for the State and Local Drug Grants program for fiscal year 1983. How have these additional funds been allocated? Please expand on your answer for the record and list each grantee and how much each will be allocated.

ANSWER:

Following are the allocations which were planned had the 1983 funding level been established at the \$6 million level recommended by the House Appropriations Committee compared to the \$9.4 million level actually appropriated.

State and Local Drug Grant Program
Funding Level Comparison
(In thousands of dollars)

<u>Project</u>	<u>\$6 million Level</u>	<u>\$9.4 million Level</u>	<u>Difference</u>
LEVITICUS	\$795	\$1,265	+\$470
Mid Atlantic/Great Lakes Organized Crime Law Enforcement Network (MAGLOCLIN)	624	990	+366
Mid-States Organized Crime Information Center (MOCIC)	511	810	+299
New England State Police Administrators Conference (NESPAC)	340	507	+167
Regional Organized Crime Information Center (ROCIC)	1,248	2,041	+793
Rocky Mountain Information Network (RMIN)	795	1,315	+520
Western States Information Network (WSIN)	1,362	2,147	+785
Evaluation & Technical Assistance	325	325	...
Total	6,000	9,400	+3,400

QUESTION:

What is the real reason that the Administration is opposed to this program? It is simply a matter of helping to balance the budget, or do you have some specific evidence that the multi-state organizations are not using these funds effectively?

ANSWER:

The Department has repeatedly raised serious questions about the operation of these projects and has expressed deep concern regarding the cost-effectiveness of the systems, their protection of individual privacy rights, and their stewardship of federal funds. Numerous inadequacies have been identified through the routine financial audit process and by site visits to the individual projects by the Intelligence Systems Policy Review Board. A summary of the Department's findings and concerns will be submitted to the Committee.

QUESTIONS SUBMITTED BY MR. EARLY

General Administration

QUESTION:

The Continuing Resolution provides \$9.4 million for the multi-state intelligence projects (i.e., State and Local Drug Grant program). How many state and local drug grants do you plan to renew in FY 1983 and what is the estimated size of the award in each case?

ANSWER:

State and Local Drug Grant Program

<u>Project</u>	<u>Estimated Award</u>
LEVITICUS	\$1,265
Mid Atlantic/Great Lakes Organized Crime Law Enforcement Network (MAGLOCLN)	990
Mid-States Organized Crime Information Center (MOCIC)	810
New England State Police Administrators Conference (NESPAC)	507
Regional Organized Crime Information Center (ROCIC)	2,041
Rocky Mountain Information Network (RMIN)	1,315
Western States Information Network (WSIN)	<u>2,147</u>
Total	9,075

*The remaining \$325,000 will be used for evaluation and technical assistance.

QUESTION:

Are there any FY 1982 funds that will be carried over? If so please provide a list of these projects and the amounts that will be or are available for carryover.

ANSWER:

No unobligated FY 1982 funds were carried over into 1983 by the Department of Justice, and no 1983 funds are anticipated to be carried over into 1984 since we plan to award the entire \$9.4 million in 1983. Since these funds are from a one-year appropriation, any unobligated balances would not be available thereafter. Funds awarded to the grantees will continue to be available for their use until the project period expires. Following are the project periods for each award.

<u>Project</u>	<u>Project Period</u>
LEVITICUS	1/31/83 - 12/31/83
Mid Atlantic/Great Lakes Organized Crime Law Enforcement Network (MAGLOCLIN)	2/1/83 - 12/31/83
Mid-States Organized Crime Information Center (MOCIC)	3/1/83 - 12/31/83
New England State Police Administrators Conference (NESPAC)	6/1/83 - 12/31/83
Regional Organized Crime Information Center (ROCIC)	11/1/82 - 11/30/83
Rocky Mountain Information Network (RMIN)	6/1/83 - 12/31/83*
Western States Information Network (WSIN)	11/1/82 - 11/30 83

*Planned project period.

QUESTION:

Many of these projects focus on illegal drug and narcotics activities. Does the Department or any of its agencies call upon these centers and networks for information about drug and narcotic activities in various regions? If not, why not? How many of these projects also focus on organized crime activities? Do you request or utilize information from these networks for the Departments investigations/activities in this area? If not, why not?

ANSWER:

All of the multi-state intelligence projects (i.e., Regional Information Sharing System-RISS) focus on providing equipment, confidential funds and analytical services in support of narcotics and illegal drug use investigations being pursued by member agencies.

The Western States Information Network (WSIN) project does not focus on organized crime activities.

The following is a description, by project, of services provided by these agencies to the Department and other federal agencies.

Regional Organized Crime Information Center Project - ROCIC

This project's by-laws prohibit federal agency membership. Federal agencies obtain access to project services through member agencies.

During the 24-month period 1/81-12/82 a total of 1,966 agencies received project services. Of these, 148 (8 percent) were federal agencies. The Drug Enforcement Administration was the most frequent beneficiary of project services in support of DEA narcotics investigations.

Western States Information Network Project (WSIN)

This project's by-laws permit federal agency membership. Of the total 613 member agencies, 15 are Department of Justice DEA field offices, and 50 are field offices of the Alcohol, Tobacco and Firearms, Coast Guard, Customs, and Internal Revenue Service agencies.

Three-hundred and ninety-six federal member agency inquiries were made into the WSIN data base during the 24-month period (1/81-12/82). Eighty-eight federal agencies received project services in support narcotic investigations. The U.S. Attorneys received five analytical reports in support of narcotic cases prosecutions. This represented 18 percent of the 489 member agencies receiving project services.

New England State Police Administrators Conference Project (NESPAC)

This project's by-laws prohibit federal agency membership. Federal agencies may access project services through the state police member agencies.

Between May, 1980 and March, 1982, 167 member agencies' request for service were received and provided. Of these, 19 (11 percent) related to investigations being conducted by the DEA.

Mid States Organized Crime Information Center Project (MOCIC)

This project's by-laws prohibit federal agency membership. Access to project services may be obtained by federal agencies through member agencies.

In 1982, three of 60 requests for loan of project equipment supported FBI investigations.

Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network Project (MAGLOCLN)

This project's by-laws prohibit federal agency membership. Access to project services may be obtained by federal agencies through member agencies.

No data describing services to federal agencies has been reported by this project.

Rocky Mountain Information Network Project (RMIN)

This project's by-laws permit federal agency membership. There are nine federal agency members of a total of 95 member agencies. None are agencies of the Department. Field offices of the National Park Service and the military comprise federal membership.

During the 6-month period (7/82-12/82), 321 inquiries were made into the project's information data base by federal agency members.

LEVITICUS

The project consortium of states does not include federal agency membership. A Memorandum of Understanding between the project and the Department's Criminal Division has been effected to prevent duplication of investigative activities. A Memorandum of Understanding with the Internal Revenue Service (IRS) is being negotiated to provide IRS access to the project's automated information system.

Seventeen full-scale investigations are currently being conducted by the project. Eleven involve participation of federal agencies. These include U.S. Attorneys - 4, FBI - 2, SEC - 3, Postal Inspection - 1, and Federal Probation - 1.

Sixty-six smaller-scale investigations are currently being conducted by the project. Thirteen involve federal agencies including one organized crime strike force and the DEA.

QUESTION:

Have these networks played any role in new drug task force efforts? If not could they be of assistance in this "war on illegal drugs and narcotics"? How about the new organized crime effort under consideration?

ANSWER:

The RISS projects have not been requested to play a role in the new drug task force efforts. Guidelines for the Drug Enforcement Task Forces provides the core-city U.S. Attorney with responsibility to establish and maintain cooperative working relations with state and local law enforcement agencies. To the extent that state and local law enforcement agencies are project members, the project may assist the task forces.

The RISS projects have not been requested to play a role in the new organized crime effort under consideration.

QUESTION:

I understand that the Department has had an independent evaluation made of six of the multi-state law enforcement projects. What were the results of this evaluation?

ANSWER:

In September 1980, the Law Enforcement Assistance Administration awarded a grant to the Institute for Intergovernmental Research (IIR) to evaluate six of the seven RISS projects. The final report, however, was a "process assessment" rather than an impartial program impact assessment. Essentially, the approach used by IIR was a one-shot case study relying heavily on data collected from the program participants with no comparison group. Moreover, the wording of several research questions posed by IIR presupposed successful working arrangements which may not exist. Thus, while the IIR evaluation offered useful management information to monitor and improve the operation of the RISS program, it did not provide a full evaluation of program impact.

QUESTION:

Did the evaluation include a recommendation as to whether or not funding for this program should be continued? What did it recommend?

ANSWER:

The IIR report recommended continued funding of the program because they "are considered vital and important by their member law enforcement agencies." As noted previously, this is precisely why the Department of Justice believes that the cost of these projects should be assumed by the participating jurisdictions; i.e., if they are useful activities, the states and localities should be willing to pay for the cost of their operations.

WEDNESDAY, MARCH 16, 1983.

FEES AND EXPENSES OF WITNESSES

WITNESS LIST

KEVIN D. ROONEY, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION

CHARLES R. NEILL, CONTROLLER

JOHN R. SHAFFER, DIRECTOR, BUDGET STAFF

Mr. DWYER. The next item is Fees and Expenses of Witnesses. The fiscal year 1984 budget request is \$38,266,000. That amount is an increase of \$2,566,000 above the amount appropriated to date for fiscal year 1983.

We shall insert at this point in the record the justification material submitted in support of this request.

[The justification materials follow:]

(345)

Department of Justice
Fees and Expenses of Witnesses
Estimates for Fiscal Year 1984
Table of Contents

<u>Item</u>	<u>Page Number</u>
Summary Statement.....	1
Proposed Authorization Language.....	2
Proposed Appropriation Language.....	3
Crosswalk of 1983 Changes.....	4
Summary of Requirements.....	5
Justification of Program and Performance.....	6
Priority Rankings.....	10
Financial Analysis of Program Increases.....	11
Summary of Requirements by Object Class.....	12

Fees and Expenses of Witnesses

Summary Statement

Fiscal Year 1984

Fees and Expenses of Witnesses is requesting, for 1984, a total of \$38,266,000. This request represents an increase of \$2,566,000 over the 1983 appropriation.

The purpose of the Fees and Expenses of Witnesses appropriation is to pay the fees and expenses of witnesses who appear on behalf of the Government in all cases to which the United States is a party. The activities are administered by the concerned Departmental organization.

Fees and Expenses of Witnesses contains four budget activities: Fact Witnesses, Protection of Witnesses, Expert Witnesses and Mental Competency Examinations.

1. Fact Witnesses: These witnesses testify as to events or facts about which they have personal knowledge. A program increase of \$145,000 is requested to provide attendance fees for an increase of approximately 4,800 witness-attendance-days at \$30 per day.
2. Protection of Witnesses: The Attorney General provides for the security of Government witnesses or potential Government witnesses and their families when their testimony concerning organized criminal activity may jeopardize their personal security.
3. Expert Witnesses: The testimony of expert witnesses is used in trials where technical or scientific expertise is required in the defense or prosecution of a case. A program increase of \$1,000,000 is requested to provide for an increase in the number of cases using expert witnesses, an increase in the number of witnesses (and support personnel to assist them) used per case, increases in the rates charged by expert witnesses and, the increased costs associated with the travel, lodging and subsistence paid to expert witnesses.
4. Mental Competency Examinations: Fees of physicians and psychiatrists are paid for examining accused persons upon order of the court to determine their mental competency to stand trial.

Fees and Expenses of Witnesses

Proposed Authorization Language

The following authorization language is requested for Fees and Expenses of Witnesses:

For Fees and Expenses of Witnesses, including:

- (a) expenses, mileage, compensation, and per diems of witnesses in lieu of subsistence, as authorized by law;
- (b) contracting for expert witnesses according to the procedure similar to that authorized by Section 904 of The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 544);
- (c) including advances of public moneys:
\$38,266,000,
- (d) but no sums authorized to be appropriated by this Act shall be used to pay any witness more than one attendance fee for any one calendar day.

Fees and Expenses of WitnessesJustification of Proposed Changes in Appropriation Language

The 1984 budget estimates include the proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

- Fees and Expenses of Witnesses

For expenses, mileage, compensation, and per diems of witnesses and for per diems in lieu of subsistence, as authorized by law, including advances; [\$35,700,000]

\$38,266,000

No substantive changes proposed.

Fees and Expenses of Witnesses

Crosswalk of 1983 Changes
(Dollars in thousands)

<u>Activity</u>	<u>1983 President's Budget Request</u>	<u>Congressional Appropriation Actions on 1983 Request</u>	<u>Reprogrammings</u>	<u>1983 Enacted</u>
1. Fact Witnesses.....	\$15,145	...	...	\$15,145
2. Protection of Witnesses.....	10,465	...	...	10,465
3. Expert Witnesses.....	9,662	...	...	9,662
4. Mental Competency Examinations.....	428	...	...	428
Total.....	35,700	...	...	35,700

Fees and Expenses of Witnesses

Summary of Requirements
(Dollars in thousands)

<u>Adjustments to base:</u>	<u>Amount</u>
1983 as enacted.....	\$35,700
Uncontrollable increases.....	1,421
1984 base.....	<u>37,121</u>

351

<u>Estimates by budget activity/ program</u>	<u>1982 Enacted</u>	<u>1982 Actual</u>	<u>1983 Enacted</u>	<u>1984 Base</u>	<u>1984 Estimate</u>	<u>Increase/Decrease</u>
1. Fact Witnesses.....	\$13,771	\$13,181	\$15,145	\$15,537	\$15,682	\$145
2. Protection of Witnesses.....	8,500	8,021	10,465	10,989	10,989	...
3. Expert Witnesses.....	10,000	9,477	9,662	10,145	11,145	1,000
4. Mental Competency Examinations.....	400	308	428	450	450	...
Total.....	32,671	30,987	35,700	37,121	38,266	1,145

Fees and Expenses of Witnesses

Justification of Program and Performance
(Dollars in thousands)

	<u>1983 Enacted</u>	<u>1984 Base -</u>	<u>1984 Estimate</u>	<u>Increase/Decrease</u>
Fact Witnesses.....	\$15,145	\$15,537	\$15,682	\$145

Long-Range Goal: To maximize the effectiveness of the Department's litigative program by providing fact witnesses for criminal and civil trials.

Major Objectives:

To provide adequate resources for payment of fact witnesses who testify on behalf of the Government.

To provide for payment to a sufficient number of witnesses for the United States to be adequately represented in legal proceedings.

Base Program Description: The testimony of fact witnesses is used in court proceedings by the Department's legal divisions and district offices of the U.S. Attorneys. Fact witnesses are used primarily in criminal proceedings where the defendant is accused of violating Federal law. Payments to witnesses are intended to defray the costs of appearing to testify on behalf of the Government. Attendance fees are \$30 per court day; amounts authorized for per diem and mileage are set by the regulations governing official travel by Federal employees.

Program Changes: The requested program increase of \$145,000 for this activity will provide funding for a projected increase of approximately 4,800 witness-attendance-days (at the statutory attendance fee rate of \$30 per day) over the more than 147,000 witness-attendance-days anticipated for 1983. This estimated increase in witness-attendance-days is based upon a review of the number of fact witnesses utilized and the number of days in court per witness during the past several fiscal years.

	<u>1983 Enacted</u>	<u>1984 Base</u>	<u>1984 Estimate</u>	<u>Increase/Decrease</u>
Protection of Witnesses.....	\$10,465	\$10,989	\$10,989	...

Long-Range Goal: To enhance the Department's organized crime program by obtaining testimony from potentially endangered or threatened witnesses.

Major Objectives:

To obtain testimony which can be used to prosecute persons accused of organized criminal activity.

To protect witnesses and their families when the testimony of the witnesses may jeopardize their personal safety.

Base Program Description: The procedure for designating a person as a protected witness is set forth in Department of Justice OGD Order 2110.2 "Witness Protection and Maintenance Policy and Procedures." This order places within the U.S. Marshals Service the responsibility for the security of these witnesses and their families. This program provides for their financial maintenance including: subsistence expenses; housing; medical and dental expenses; travel; documentation expenses for identity changes; one-time relocation; costs for obtaining employment; and other miscellaneous expenses. Rates are authorized by the Assistant Attorney General for Administration.

	<u>1983 Enacted</u>	<u>1984 Base</u>	<u>1984 Estimate</u>	<u>Increase/Decrease</u>
Expert Witnesses.....	\$9,662	\$10,145	\$11,145	\$1,000

Long-Range Goal: To improve the ability of the Department's litigating units to represent the United States' interests in cases involving complex and/or technical issues.

Major Objectives:

To provide expert witnesses to testify on behalf of the United States in legal proceedings where scientific or technical expertise is necessary.

To provide matching expert opinions to those presented by opposing counsel.

Base Program Description: This program provides for the fees and expenses of expert witnesses who appear on behalf of the Government when technical or scientific expertise is required in the prosecution or defense of a case. The pursuit of complex litigation by the Department would not be possible without qualified experts both to testify and to refute the non-legal particulars of individual cases.

Program Changes: The requested program increase of \$1,000,000 for this activity is required to provide for an increase in the number of expert witnesses needed by the Government in order to compensate for the increased use of expert witnesses by opposing counsel, increases in the fees charged by expert witnesses, rising travel and subsistence costs, and increased use of sophisticated computer support systems to assist the expert's preparation of technical testimony. The number and complexity of cases involving expert witnesses are continuing to grow as the Department pursues prosecution in such matters as environmental pollution, tax fraud, deprivation of civil rights, and fraud against the Government, and as it defends claims against the Government in cases involving asbestos, radiation, agent orange, etc.

	<u>1983 Enacted</u>	<u>1984 Base</u>	<u>1984 Estimate</u>	<u>Increase/Decrease</u>
Mental Competency Examinations.....	\$428	\$450	\$450	...

Long-Range Goal: To guarantee the rights of accused persons to a fair and impartial trial by ensuring their competency to stand trial.

Major Objective:

To pay the fees of physicians and psychiatrists for court-ordered examinations concerning the mental competency of accused persons, pursuant to 18 U.S.C. 4244-4248.

Base Program Description: Court-ordered mental competency examinations are administered to assure that persons charged with an offense are mentally capable of understanding the proceedings against them and will be able to assist in their own defense.

Fees and Expenses of Witnesses

Priority Rankings

<u>Program</u>	<u>Base Program</u>	<u>Ranking</u>
Protection of Witnesses		1
Fact Witnesses		2
Expert Witnesses		3
Mental Competency Examinations		4

<u>Program</u>	<u>Program Increases</u>	<u>Ranking</u>
Protection of Witnesses		1
Fact Witnesses		2
Expert Witnesses		3
Mental Competency Examinations		4

Fees and Expenses of Witnesses

Financial Analysis - Program Increases
(Dollars in thousands)

Item	Fact Witnesses	Protection of Witnesses	Expert Witnesses	Mental Competency Examinations	Total
Special services pay.....	\$145	...	\$1,000	...	\$1,145
Travel and transportation of persons.....	...	...	...	...	...
Total.....	145	...	1,000	...	1,145

Fees and Expenses of Witnesses

Summary of Requirements by Object Class
(Dollars in thousands)

<u>Object Class</u>	<u>1983 Estimate</u>	<u>1984 Estimate</u>	<u>Increase/Decrease</u>
11.8 Special personal services payments.....	\$24,970	\$27,144	\$2,174
21.0 Travel and transportation of persons.....	10,730	11,122	392
Total obligations.....	35,700	38,266	2,566
Relation of obligations to outlays:			
Obligated balance, start-of-year.....	6,778	7,372	
Obligated balance, end-of-year.....	-7,372	-8,138	
Outlays.....	35,106	37,500	

358

GENERAL STATEMENT

Mr. DWYER. Mr. Rooney, do you have a statement?

Mr. ROONEY. Yes, I do, Mr. Chairman.

The request for Fees and Expenses of Witnesses this year, as you mentioned, is for \$38,266,000, an increase of \$2,566,000 over the 1983 appropriation.

We are talking here about an uncontrollable increase of \$1,421,000, and a program increase of \$1,145,000. Program increases are primarily in two areas of the appropriation.

The appropriation itself is used by all of the Department's litigation organizations for the payment of fees and expenses of fact and expert witnesses, for the subsistence of witnesses in the witness security program and for witnesses testifying on the results of competency examinations.

The program increases, as I said, are two-fold. One is for \$145,000 for the fact witness activity, which will allow us to pay for 4800 additional witness attendance days at the statutory rate of \$30 a day. This is an increase of about 3⅓ percent over the 147,000 witness attendance days that we anticipated for 1983.

We base that increase on the increase in criminal case filings and grand juries resulting from the addition of resources to the United States Attorneys for the organized crime drug enforcement task force efforts.

The second increase for this basically uncontrollable account is for \$1 million for the expert witness activity. This provides for increases in the number of cases that use expert witnesses, the number of witnesses used per case as the cases get more complex, the rates charged by experts—which are continually going up, and for the increased cost of travel and subsistence payments to expert witnesses.

Expert witnesses are used in a wide range of case types to provide the necessary scientific and technical expertise required to best represent the government's interests in cases involving complex or highly technical issues. The requested increase of \$1 million will provide funding for approximately 260 additional expert witnesses at the 1982 average cost of \$3,800 per expert witness.

That concludes my statement, Mr. Chairman.

[The prepared statement of Mr. Rooney follows:]

DEPARTMENT OF JUSTICE
FEES AND EXPENSES OF WITNESSES

STATEMENT OF ASSISTANT ATTORNEY GENERAL
FOR ADMINISTRATION
KEVIN D. ROONEY

BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON
THE DEPARTMENTS OF COMMERCE, JUSTICE AND STATE,
THE JUDICAIY, AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee:

I am pleased to have the opportunity again to appear before you in support of the 1984 budget request for the Fees and Expenses of Witnesses appropriation. The 1984 request for the appropriation is \$38,266,000, an increase of \$2,566,000 over the 1983 appropriation of \$35,700,000. The 1984 request consists of an uncontrollable increase of \$1,421,000 and program increases of \$1,145,000. This appropriation is used by all of the Department's litigating organizations for the payment of fees and expenses of fact and expert witnesses, for subsistence for witnesses in the Witness Security Program, and for witnesses testifying on the results of examinations conducted to determine the competency of defendants to stand trial.

The program increase of \$145,000 requested for the Fact Witness activity will provide for approximately 4,800 additional witness-attendance-days at the statutory attendance fee rate of \$30 per day. Fact witnesses are needed to provide corroborating factual testimony to support or refute evidence or testimony presented in litigation in order to permit the Government to prosecute its cases effectively. Fact witnesses are used primarily in criminal proceedings. The estimated increase of 4,800 witness-attendance-days — a 3.3 percent increase over the 147,000 witness-attendance-days anticipated for FY 1983 — is based, in part, upon the addition of resources to the

United States Attorneys which will result in an increase in criminal case filings and grand juries.

An increase of \$1,000,000 is requested for the Expert Witness activity to provide for increases in the number of cases using expert witnesses; the number of witnesses used per case; the rates charged by experts; and the increased cost of travel, lodging and subsistence payments to expert witnesses. Expert witnesses are used in a wide range of case types to provide the necessary scientific and technical expertise required to best represent the Government's interests in cases involving complex and/or technical issues. Based upon the most recent data available, this increase will provide funding for approximately 260 expert witnesses at the FY 1982 average cost of \$3,800 per expert witness.

This concludes my statement, Mr. Chairman. I will be pleased to answer any questions which you or members of the Subcommittee may have.

INCREASE FOR FACT WITNESSES

Mr. DWYER. Thank you, Mr. Rooney.

The justification materials show a requested increase of \$145,000 for fact witnesses to provide for an increase in witness attendance days. What office in the Department of Justice monitors the number of fact witnesses called or is that function simply left to each U.S. Attorney's office?

Mr. ROONEY. It is left to each one of the litigating organizations to monitor, and they report to us in the Justice Management Division.

I am responsible for the appropriation, but they keep track of that and they run the totals by us on a regular basis.

USE OF EXPERT WITNESSES

Mr. DWYER. So that it is your office that monitors whether or not the U.S. Attorneys are calling too many expert witnesses and not using them?

Mr. ROONEY. That responsibility, the substantive responsibility of calling them, is vested in the United States Attorneys and the Assistant Attorneys General in charge of the litigation divisions.

However, if we detect a pattern which may indicate abuse of the use of witnesses, we will certainly pursue the matter with the relevant organization.

Mr. DWYER. So it is your office that does the monitoring?

Mr. ROONEY. That is correct.

Mr. DWYER. The justification materials show a requested increase of \$1 million for expert witnesses, an increase of about 10 percent. How did you calculate the need for this increase and how many expert witnesses do you anticipate that it will pay for?

Mr. ROONEY. We calculated it based on the 1982 average cost which, as I indicated, was \$3,800. That is an average cost, and includes a rather broad range.

Clearly, in the more complex and more technical cases, the experts stay longer and charge more. We are projecting a need for an additional 260 expert witnesses based upon the workload that is anticipated with the funding levels that have been requested.

WITNESS SECURITY PROGRAM

Mr. DWYER. Stay longer, charge more and usually carry a briefcase.

How many witnesses have been brought into the witness security program in each of the last two fiscal years?

Mr. ROONEY. I would have to provide that for the record, Mr. Chairman.

[The information follows:]

WITNESSES ENTERING WITNESS SECURITY PROGRAM

In fiscal year 1981, 282 witnesses were brought into the Witness Security Program. In fiscal year 1982, 324 witnesses were brought into the Program.

INVOLVEMENT IN ORGANIZED CRIME

Mr. DWYER. How many of these witnesses in each year were involved in trials not involving organized crime?

You may want to provide that for the record.

Mr. ROONEY. I would have to provide that.

[The information follows:]

The Criminal Division's Office of Enforcement Operation—the Department organization charged with responsibility for the admission and tracking of protected witnesses through the trial state—is currently conducting an in-depth review of its files. Information in response to this question will be provided to the Committee as soon as it becomes available.

WITNESS SECURITY PROGRAM

Mr. DWYER. Mr. Early.

Mr. EARLY. Thank you, Mr. Chairman.

Mr. Rooney, how many witnesses do you have under the witness security program? These are the people to whom you give false names, and false identities?

Mr. ROONEY. That is correct. We will provide that.

I am not certain of the total that are in there now, but we can provide that. Admissions to the program average around 80 to 90 a quarter.

Mr. EARLY. You can correct the figures for the record.

How many individuals are under 12-month protection?

Mr. ROONEY. Again, I would have to provide that, Mr. Early.

Under this particular appropriation, we are only responsible for providing the subsistence; you know, the cost of travel, the documentation, et cetera.

[Subsequent to the hearing the following information was provided:]

WITNESS SECURITY PARTICIPATION AND TIME IN PROGRAM

As of February 22, 1983, there were 359 witnesses in the Witness Security Program.

The length of time which a witness remains in the program varies depending on the particular circumstances of the case. Protection is provided as needed, and witnesses will remain in the program—unless they elect to leave voluntarily—until the Marshals Service believes that they can be self-sufficient under their new identity.

ACCOUNTABILITY IN WITNESS SECURITY PROGRAM

Mr. EARLY. Do we pay for new houses so these people can live under a false name with their family?

Mr. ROONEY. Yes. It comes out of this appropriation, but the management of the funds from this appropriation is vested in the witness security program in the Marshals Service.

Mr. EARLY. We had a few witnesses in Massachusetts under the Witness Security Program. They were given clean records of credibility.

One individual simply violated everything. He defaulted on loans and deceived a lot of people because you had given him a clean slate. We evidently weren't able to account for him.

What happens to accountability with these witnesses? I am trying to make a comparison between this program, and the accountability we have for local and state programs.

Mr. ROONEY. I must admit that I am not totally versed in how that program operates with regard to each one of the types of witnesses, and I will mention this to Director Hall, who will be up here, I think, on Monday to discuss the program in more detail.

Mr. EARLY. It is awfully difficult in intelligence to ensure accountability, though, isn't it?

Mr. ROONEY. Very much so.

Mr. EARLY. Lines are unclear between the Feds, the locals, and the States. Do you think the program is working?

Mr. ROONEY. There has been an awful lot of controversy about it of late, but I think on the whole it has been demonstrated in reviews that, yes, it is working.

I have heard of several instances like the one you are talking about, and some more severe. I have not—and that is why I am hesitating to answer, because I don't have the facts—I have not heard all of the details of these situations. But in many instances where responses to allegations of a lack of accountability have been made—which usually has to be done in a closed session or in private conversations—the issue has usually gone away.

I am not prepared to answer why, in a particular instance, something has or has not been done. I am sure that the Criminal Division, which is responsible for reviewing who gets into the program, and the Marshals Service which is responsible for actually operating the program, would be able to provide those answers.

Mr. EARLY. Let me ask you about the major drug breakthrough Justice appears to have had in New York. Is Mr. Barnes, who is now evidently a witness, in the federal protection system?

Mr. ROONEY. Yes.

Mr. EARLY. Do we have an estimated figure—and if a response would cause you any problem, don't answer—for the cost of protecting him?

Mr. ROONEY. Since he is in prison, he is separated from those that would cause him harm, and so obviously the costs there are less.

We would be able to provide, if we can—

Mr. EARLY. I assume it would be a tremendous cost to protect him if he gets out.

The administrators of justice, I think, do very well. They hear a lot of criticism, but I think the administrative problems that you and Mr. Neill have are similar to the ones that local and State authorities have, though to a different degree.

I am sure your chiefs are telling you, "We need this money." What do we put it in the record as? You find something. That is accountability.

I think you have a tough time, but I want to give the local and State authorities the same autonomy that we give to the Feds. That is why I don't think every program that Congress enacts, like the state and local drug grant program, is all wrong.

Thank you, Mr. Chairman.

Mr. DWYER. We have other questions, but we will ask you to submit your answers for the record.

Mr. ROONEY. Thank you, Mr. Chairman.

[The questions referred to and the answers follow:]

QUESTIONS SUBMITTED BY MR. SMITH

FEES AND EXPENSES OF WITNESSES

Fact Witnesses

QUESTION:

Please provide a breakdown between the U.S. Attorneys and the litigating divisions as to witnesses called and associated costs.

ANSWER:

In 1981 and 1982, over 99 percent of the approximately 150,000 fact witnesses used by the Department were called by the U.S. Attorneys. In 1981, the Department obligated approximately \$13.8 million for fact witness fees and expenses (approximately \$4.5 million for the statutory \$30 per day fee and approximately \$9.3 million for travel and subsistence expenses). In 1982, the Department obligated approximately \$14.3 million for fact witness fees and expenses (approximately \$4.4 million for the statutory \$30 per day fee and approximately \$9.9 million for travel and subsistence expenses).

Expert Witnesses

QUESTION:

The justification materials show a requested increase of \$1,000,000 for expert witnesses, an increase of about 10 percent. How did you calculate the need for this increase and how many expert witnesses do you anticipate that it will pay for?

ANSWER:

The requested increase for expert witness fees and expenses is based upon an increase, over the past three years, in the number and complexity of cases involving the need for expert witnesses, the increase in the number of witnesses needed per case, the extent of the expert witness involvement in these cases, the overall increase in fees charged by experts, rising travel and subsistence costs, and the increased use of sophisticated computer support systems often needed to assist the expert's preparation of testimony.

Based upon the 1982 average obligation of \$3,800 per expert witness, the increase requested would permit the Department to engage in the services of approximately 260 additional expert witnesses in FY 1984.

QUESTION:

What is the trend for the use of expert witnesses -- is the use going down or up?

ANSWER:

Based upon an analysis of expert witness use over the last three years for which complete data is available, the trend for the use of expert witnesses is going up. From 1979 to 1981 the number of expert witnesses used rose from 2,159 to 3,299 - a 53 percent increase. During the same period, the total number of cases in which expert witnesses were used rose from 1,855 to 2,593 - a 40 percent increase.

QUESTION:

Can you provide a list of expert witnesses that the Department has called and the nature of the trial and the results of the trial for the last two years?

ANSWER:

A computerized data base for expert witnesses was only initiated at the beginning of 1982. To provide a listing of expert witnesses prior to 1982, an extensive search of manual records would be necessary. Within several weeks we can provide, for 1982, a complete list of the number and types of expert witnesses used by the Department's litigating organizations. To provide a detailed listing of the nature of the trial and the results of the trial, an extensive amount of manual research would be required.

However, as an indication of the wide range of the types of expert witnesses needed to provide scientific and technical expertise required to best represent the Government's interests in cases involving complex and/or technical issues, the following data is provided for 1982: the Department used 1,266 physicians of all types; 589 appraisers (timber, real estate, mineral, oil, aircraft, etc.); 227 engineers (chemical, civil, microwave, petroleum, etc.); 121 economists; 80 psychologists; 51 statisticians; and 15 surveyors. In addition, we often have need for experts with unique types of specialties, e.g., raptor specialist, auto accident reconstructionist, fashion designer, historian, aircraft salvage expert, elevator expert, tape enhancement specialist, etc.

Witness Security Program

QUESTION:

How many witnesses have been brought into the Witness Security Program in each of the last two fiscal years?

ANSWER:

In 1982, there were 324 new witnesses accepted into the Program; in 1981, 282 were accepted.

QUESTION:

How many of these witnesses in each year were involved in trials not involving organized crime?

How many of these witnesses have never appeared at trial?

ANSWER:

At this time, the Office of Enforcement Operations, Criminal Division (the Office with responsibility for admission to the Program) is unable to evaluate the information requested without a computerized system. A necessary review of data for both fiscal years would require a massive manual search of 4,137 files and coordination with the Witness Security Division of the United States Marshals Service. It is anticipated that the requested funding for automation for the Criminal Division in the 1984 budget will include initial support for this office.

QUESTION:

Has the Department conducted an evaluation of this program and, if so, what are the results of such an evaluation? For example, has the program led to more convictions and longer sentences of organized crime figures?

ANSWER:

Yes. In July, 1977 the Deputy Attorney General responded to Criminal Division criticism of the Witness Security Program by creating a committee chaired by an Associate Deputy Attorney General to review the Program. The Review Committee studied literally scores of memoranda and letters exchanged over the years, and one major audit report prepared in 1976 by the Internal Audit Staff of Office of Management and Finance (OMF).

As a result of that review, significant changes have been made in the management of the Witness Security Program and many new procedures have been implemented. The Criminal Division's Office of Enforcement Operations (OEO) now has sole responsibility for authorizing witnesses' participation in the Program as opposed to several Divisions applying disparate standards. In June, 1979, a new chapter (prepared by OEO) was added to the United States Attorneys' Manual which set out, for the first time, detailed guidelines and procedures for use of the Program by United States Attorneys. There has been established in the Deputy Attorney General's Office a Witness Security Program Policy Board to review policy issues and budgetary requirements for the Program. Significantly, a procedure for appealing a Criminal Division approval for admission by the United States Marshals Service was established.

At the present time OEO is assisting the General Accounting Office (GAO) in evaluating the admission process and indictment and/or conviction information resulting from program participants' testimony. The study entails the review of approximately 308 files for fiscal year 1980. The Office of Enforcement Operations has set its deadline for completion of the project for April 30, 1983.

The information available at this time with respect to case results is as follows:

In 1979, 1,425 defendants were indicted or convicted as a result of the testimony of 489 witnesses. In 1980, 1,180 defendants were indicted or convicted as a result of the testimony of 464 witnesses.

In 1981, 995 defendants were indicted or convicted as a result of the testimony of 346 witnesses. It should be noted that the lesser number of convictions is a result of cases remaining to be tried.

QUESTION:

Do you take into account the probability of a witness becoming a law abiding citizen prior to bringing him into the Witness Security Program?

ANSWER:

Yes. It is the Department's belief that even those who have committed crimes prior to entry in the Witness Security Program have a significantly better chance of rehabilitation than if they were left in the community to continue whatever criminal activities in which they may be engaged. Most witnesses who enter the Program have criminal backgrounds and approximately 17 percent of them return to crime. Since 83 percent of them do not return to crime, there is reason to believe that the Program may discourage criminal activity for most of its participants.

In addition, prospective witnesses whose backgrounds are suggestive of the need for therapy are tested by psychologists, who then make recommendations concerning the treatment necessary to assist the witness in adjusting to relocation. This testing was implemented quite recently and it is too soon to tell if it will have an impact on the current recidivism rate in the Program.

WEDNESDAY, MARCH 16, 1983.

ORGANIZED CRIME DRUG ENFORCEMENT

WITNESS

RUDOLPH W. GIULIANI, ASSOCIATE ATTORNEY GENERAL

Mr. DWYER. The next item we shall consider this afternoon is entitled, "Organized Crime Drug Enforcement, Salaries and Expenses." For Fiscal Year 1984, the request is \$105,949,000, which represents a reduction of \$21,551,000 from the amount appropriated to date for Fiscal Year 1983.

[Subsequent to the date of this hearing a budget amendment was submitted which reduced the fiscal year 1984 request to \$89,949,000.]

We shall insert at this point in the record the entire set of justifications submitted in support of this request.

[The justification material follows:]

Interagency Law Enforcement

Organized Crime Drug Enforcement

Estimates for Fiscal Year 1984

Overview

Last October, the President announced a major new initiative to combat organized crime and drug trafficking. This program entitled the Organized Crime Drug Enforcement (OCDE) program is an unprecedented effort representing the utmost degree of cooperation and coordination among Federal, State and local law enforcement. Subsequently, on December 17, 1982, Congress approved funding for the FY 1983, totalling \$127,500,000 for the OCDE program.

As proposed by the Administration and approved by the Congress, the OCDE includes 12 new Regional Drug Task Forces (in addition to the South Florida Task Force) covering the entire United States. Composed of investigators, prosecutors, and other enforcement experts, the top priority of the task forces is the disruption of the intricate distribution and sales network set up by organized criminal enterprises engaged in drug trafficking throughout the nation.

On January 20, 1983, the Attorney General announced that several major milestones have been met and that the Drug Task Forces have become operational. The Task Force organization is in place. Operational guidelines have been approved. Personnel have been assigned. Cases have been selected.

Twelve Regional Drug Forces have been established which, in addition to the existing South Florida Task Force, cover the entire country. The Task Forces and headquarters cities are: New England (Boston), New York/New Jersey (New York City), Mid-Atlantic (Baltimore), Southeast (Atlanta), Gulf Coast (Houston), South Central (St. Louis), North Central (Chicago), Great Lakes (Detroit), Mountain States (Denver), Los Angeles/ Nevada (Los Angeles), Northwest (San Francisco), and Southwest Border (San Diego).

Case selections for the Task Forces have proceeded on schedule. Cases selected for investigation by the Task Forces are high-quality cases involving major trafficking by major organized crime groups. After a thorough review of cases proposed for investigation, two major drug cases were selected for the headquarters city in each of the twelve Task Force regions. Additional cases will be selected for the non-core city areas of each region.

Initial personnel allocations, i.e., 400 of the 1600 new positions, for the Task Forces, were completed in late January. By the end of February, it is expected that an additional 400 will have been assigned. The remaining agents will be phased into the program during late winter and spring. All twelve Task Forces will be at full strength by the end of the summer with a total of 1,600 investigative, prosecutorial and clerical personnel on-board in addition to current manpower devoted to the fight against drug trafficking.

While the composition of the Task Forces may vary with the differing requirements of the individual regions, it is anticipated that the typical Task Force will be comprised of Department of Justice personnel, including FBI and DEA Special Agents and Federal prosecutors; Federal law enforcement personnel from agencies outside the Justice Department—including the Internal Revenue Service, the U.S. Customs Service and the Bureau of Alcohol, Tobacco and Firearms. In addition there will be at least one representative from the USMS on each Task Force.

Funding requested for FY 1984 by the Administration for the Task Force Initiative provides for full-year funding for the program. The major difference between the FY 1983 and the FY 1984 request for Organized Crime Drug Enforcement is that in 1983 all funds for the program were included in a single appropriation. In FY 1984, the Administration is requesting funds in the OCDE appropriation totalling 1,130 staff and \$105,949,000 to reimburse components of the Department of Justice for participation in Drug Task Force activities. Funds totalling 500 positions and \$32,867,000 to provide for Department of the Treasury participation in the Drug Task Forces are requested as direct appropriations to the agencies involved — the Internal Revenue Service, the U.S. Customs Service, and the Bureau of Alcohol, Tobacco and Firearms.

The Attorney General will continue to have full responsibility for the Organized Crime Drug Enforcement effort and will determine the level of participation required from the Department of the Treasury. The Drug Task Force effort to date has been marked by the utmost degree of cooperation among the participating agencies. It is this cooperation, as well as the shared commitment to the success of the program, that has convinced the Administration that separate funding is a viable option to the single appropriation sought in 1983.

The FY 1984 budget for OCDE includes a request for 20 positions and \$2,500,000 for the establishment of a Presidential Commission on Organized Crime. This commission shall be composed of fifteen distinguished citizens including four Members of Congress. The Presidential Commission will have a three year term within which it shall conduct a national and region-by-region analysis of organized crime, evaluate existing law enforcement efforts, and make recommendations for new legislation.

A key element of the President's program is the provision of funding for additional local jail and Federal prison space for those expected to be arrested and convicted as a result of Task Force operations. Agreements will be negotiated with local jails to hold Federal prisoners awaiting trial. A total of \$10.0 million is requested in 1984 to renovate or construct local jail facilities to ensure the availability of space for Federal prisoners. In addition \$6.0 million is requested for construction and expansion to provide additional space at existing Federal Prison System facilities.

An important thrust of the OCDE program has been to provide law enforcement with the necessary tools to fulfill their responsibilities effectively and efficiently. In that regard, funding was approved in 1983 for advanced automated data processing and voice privacy equipment for both the DEA and FBI. Those equipment procurements are proceeding on schedule. For 1984, the Administration is requesting funding to continue the modernization of FBI and DEA automated systems.

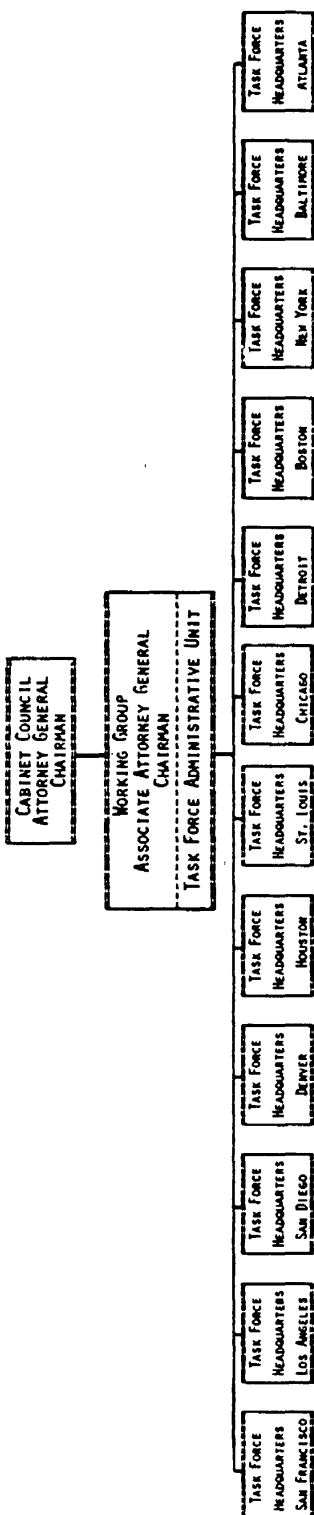
The Administration plans to renew its efforts for Congressional passage of essential Federal criminal law reforms. These include bail reform, sentencing reform and the exclusionary rule. Further, the Administration plans to pursue legislation authorizing the forfeiture of crime-related assets of racketeers and drug traffickers an essential tool in depriving them of their economic power.

Success of the President's program is dependent upon an adequate funding level for the operation of the Task Forces in each of 12 new regions. The adequate funding level must not only support a timely Federal presence in each of the regions, but must also consider adequate law enforcement systems support requirements. In today's environment, we cannot be successful without bringing a responsive level of technology to bear on sophisticated criminal investigations. Otherwise, investigative personnel are diverted to support operations, results are interminably postponed and potential subjects of investigations are lost. Nor will any investigative and prosecutive effort be considered successful by the American public if we are not able to incarcerate the offenders. Every effort has been made in this request, as in the initial request for OCDE in FY 1983, to provide a proper mix of resources for all phases of the criminal justice enforcement system from the numbers of investigative agents and their support personnel, through the requirements for prosecutors to first support the investigations and then prosecute offenders, to funds for both pre-trial and post-trial incarceration facilities. The development of this program had as an underlying assumption the necessity to create a balanced system, and any consideration of our request must hold this concept foremost.

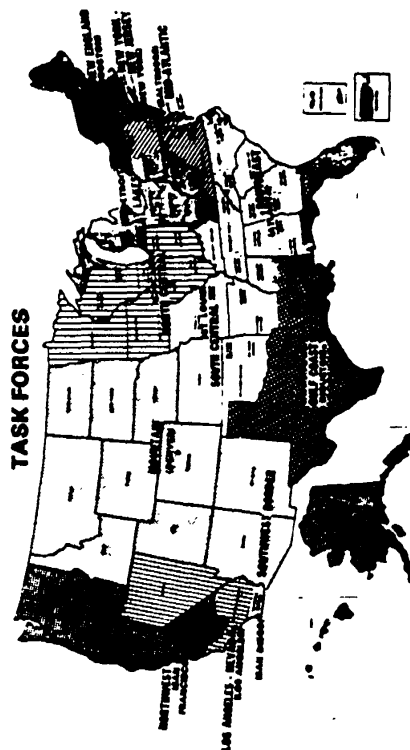
Interagency Law Enforcement
Organized Crime Drug Enforcement
Estimates for Fiscal Year 1984
Table of Contents

<u>Item</u>	<u>Page Number</u>
Organization Chart.....	1
Summary Statement.....	2
Proposed Authorization Language.....	4
Proposed Appropriation Language.....	5
Crosswalk of 1983 Changes.....	6
Summary of Requirements.....	7
Summary of Resources by Program.....	8
Justification of Program and Performance:	
Law Enforcement.....	9
Prosecution.....	18
Corrections.....	20
Policy and Management.....	26
Detail of Permanent Positions by Category.....	29
Summary of Adjustments to Base.....	30
Justification of Adjustments to Base.....	31
Financial Analysis - Program Changes.....	32
Summary of Requirements by Grade and Object Class.....	33

ORGANIZED CRIME DRUG ENFORCEMENT
TASK FORCES



EACH TASK FORCE REGIONAL HEADQUARTERS CONSISTS OF AN ASSISTANT U.S. ATTORNEY AND PARTICIPATING AGENCY COORDINATORS.



Interagency Law Enforcement
Organized Crime Drug Enforcement
Summary Statement
Fiscal Year 1984

The request for Organized Crime Drug Enforcement for 1984, totals \$105,949,000, 1,130 permanent positions, and 1,085 work-years. This request represents an increase from 1983 appropriations of 270 workyears and a decrease of \$21,551,000. In addition, this request reflects the transfer in 1984 to the Department of the Treasury of funding related to 500 positions.

The primary mission of Organized Crime Drug Enforcement (OCDE) is to combat organized criminal enterprises engaged in drug trafficking by means of the newly established Regional Organized Crime Drug Task Forces. This effort provides for improved state and local cooperation, including the Governors Project, a united campaign against drugs and organized crime, and training for state and local law enforcement personnel. Additionally, funds are included for special enforcement requirements and for construction, renovation and repair of Federal, state and local facilities to house Federal prisoners. Finally, this request proposes the establishment of a Special Presidential Commission on Organized Crime.

This request consists of four budget activities incorporating ten programs. The budget activities are: Law Enforcement, Prosecution, Corrections, and Policy and Management. The major initiatives and resource requests for 1984 for these activities and programs are summarized below.

Law Enforcement

This activity provides funding for the Regional Organized Crime Drug Task Forces. It represents 66 percent of the appropriation request for OCDE in 1984. Funding is provided in this activity for the Drug Task Forces' operating expenses, special equipment needs and state and local overtime costs. Primarily, this activity provides resources to reimburse law enforcement agencies within the Department of Justice, principally the Federal Bureau of Investigation and the Drug Enforcement Administration for investigative activities related to the Drug Task Forces.

Resources are requested for 1984 to provide full year funding for participation of Department of Justice agencies in the Drug Task Forces which were begun in January 1983. Funding for Department of Treasury participation in 1984 is requested in the appropriations for the component agencies.

Prosecution:

The Prosecution activity represents approximately 17 percent of the resources of this appropriation. Each of the Regional Organized Crime Drug Task Forces is coordinated by a senior U.S. Attorney. This activity provides resources to reimburse the Executive Office for U.S. Attorneys for prosecutorial, paralegal and clerical personnel assigned to the Drug Task Forces in the 12 regions of the country.

Corrections

The Corrections activity consists of two programs: the Cooperative Agreement Program and Federal Prisons System (FPS) construction. These two programs represent slightly more than 15 percent of the request for funding for 1984. The Cooperative Agreement Program provides funding for the construction and renovation of local jails to provide adequate bed space for Federal prisoners awaiting trial. The FPS construction program provides resources for the expansion of Federal prison capacity at existing institutions.

Policy and Management

This activity consists of three programs, the Presidential Commission on Organized Crime, the Governors Project, and the Annual Report representing two percent of the resources requested for 1983. This activity includes the resources for the provision of guidance and general control of all Task Force efforts by means of an interdepartmental committee of policy officials who assist in the allocation and management of resources among participating agencies. A principal function within this activity is the continual reassessment of the national effort against organized crime and drug trafficking.

An increase of twenty positions, 19 workyears and \$2,500,000 is requested for this activity over the 1983 levels. This request represents funding for the Presidential Commission on Organized Crime.

Organized Crime Drug Enforcement

Justification of Proposed Authorization Language

Organized Crime Drug Enforcement is requesting the following authorization language:

For the detection, investigation, prosecution, and incarceration of individuals involved in organized criminal drug trafficking not otherwise provided, for \$105,949,000 of which \$6,000,000 for construction of new facilities and construction, remodeling and equipping buildings and facilities at existing detention and correctional institutions and \$2,500,000 for the Presidential Commission on Organized Crime are to remain available until expended and \$14,000,000 for the purchase of automated data processing and telecommunications equipment and \$9,619,000 for undercover operations shall remain available until September 30, 1985, and notwithstanding any other provision in law, there is authorized payment in advance for expenses arising out of contractual and reimbursable agreements with State and local enforcement and regulatory agencies engaged in cooperative organized criminal drug enforcement regulatory activities.

Explanation of Changes:

1. This language is required for the ODDP program which was approved by the Congress in December 1982.

Interagency Law Enforcement

Organized Crime Drug Enforcement

Justification of Proposed Changes in Appropriation Language

The 1984 budget estimates include proposed changes in the appropriations language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

For expenses necessary for the detection, investigation, prosecution, and incarceration of individuals involved in organized criminal drug trafficking not otherwise provided for, \$127,500,000 of which \$18,000,000 is to remain available until expended, for construction of new facilities and constructing, remodeling, and equipping buildings and facilities at existing detention and correctional institutions, and of which \$2,500,000 for the Presidential Commission on Organized Crime are to remain available until expended; and of which \$14,000,000 for purchase of automated data processing and telecommunications equipment; and \$9,619,000 for undercover operations shall remain available until September 30, 1985

\$105,949,000
\$6,000,000

Explanation of Changes

1. The first change decreases the amount available for construction of Federal prison facilities.
2. The second change provides language establishing the Presidential Commission on Organized Crime with no-year funding; this is a new program in FY 1984. The no-year funding language is consistent with that provided for previous Presidential Commissions. The request for two-year funding in the amount of \$14,000,000 for purchase of automated data processing and telecommunications is to ensure procurement flexibility. Similarly, two-year funding for undercover operations is requested to ensure continuous and uninterrupted funding for approved undercover projects which may overlap into the next fiscal year.

Organized Crime Drug Enforcement

Crosswalk of 1983 Changes
(Dollars in thousands)

Activity/Program	1983 President's Budget Request			Congressional Appropriation Actions on 1983 Request			1983 Appropriation Anticipated		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
1. Law Enforcement									
DOJ Law Enforcement.....	760	380*	\$42,225	...	...	...	760	380*	\$42,225
DEA Intelligence (Air-Wing).....	...	...	2,000	...	...	...	...	...	2,000
DEA Intelligence (Land-Wing).....	...	...	4,000	...	...	...	...	...	4,000
FBI Automation.....	...	...	16,000	...	...	...	...	...	16,000
FBI Voice Privacy.....	...	...	12,000	...	...	...	...	...	12,000
State and local costs.....	...	...	1,628	...	...	...	...	...	1,628
Other Federal Law Enforcement.....	500	250*	14,716	...	...	...	500	250*	14,716
Subtotal.....	1,860	630*	92,569	...	...	...	1,860	630*	92,569
2. Prosecution.....	340	170*	11,731	...	...	...	340	170*	11,731
3. Corrections									
Cooperative Program.....	...	...	5,000	...	...	...	...	...	5,000
PPS Expansion.....	10	5*	18,000	...	...	...	10	5*	18,000
Subtotal.....	10	5*	23,000	...	...	...	10	5*	23,000
4. Policy & Management									
Presidential Commission on Organized Crime.....	20	10	\$2,500	-20	-10	-\$2,500	...	...	...
Governors' Project.....	...	...	100	...	...	...	...	...	\$100
Annual Report.....	...	...	100	...	...	...	...	...	100
Subtotal.....	20	10	2,700	-20	-10	-2,500	...	...	200
Total.....	1,630	815	130,000	-20	-10	-2,500	1,610	805	127,500

Explanation of Analysis of Changes from 1983 Appropriation Request

Congressional Appropriation Actions

The Congress deleted the resources for the Presidential Commission on Organized Crime. No other changes were made to the President's 1983 budget request for Organized Crime Drug Enforcement.

Reimbursable positions have been reflected in order to portray the full-time equivalent requirement; however, these workyears will be earned by the Federal agencies participating in the Task Force operations.

Organized Crime Drug Enforcement

Summary of Requirements

(Dollars in thousands)

Adjustments to base:	1983 Appropriation		1984 Base		FY 1984 Estimate		Increase/Decrease		Perm. Pos.	Work-years	Amount
	Estimates by Budget Activity	Anticipated	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount			
1983 Appropriation anticipated.....		1,260	630*	\$92,569	760	730*	760	730*	1,610	805*	\$127,500
Transfer to Department of the Treasury.....		340	170*	11,731	340	326*	340	326*	-500	-250*	-12,716
Uncontrollable increases.....		10	5*	23,000	10	10*	10	10*	...	511*	24,765
Decreases.....		-54,900
1984 Base.....		200	...	200	20	19	1,110	1,066*	84,649
1. Law Enforcement.....		1,260	630*	\$92,569	760	730*	760	730*	1,610	805*	\$127,500
2. Prosecutions.....		340	170*	11,731	340	326*	340	326*	-500	-250*	-12,716
3. Corrections.....		10	5*	23,000	10	10*	10	10*	...	511*	24,765
4. Policy and Management.....		-54,900
Total.....		1,610	805	127,500	1,110	1,066	1,130	1,085	1,110	1,066*	84,649

*Reimbursable positions have been reflected in order to portray the full-time equivalent requirement; however, these workyears will be earned by the Federal agencies participating in the Task Force operations.

Organized Crime Drug Enforcement
Summary of Resources by Program
(Dollars in thousands)

	1982 Actual				1983 Appropriation Anticipated				1984 Base				1984 Estimate				Increase/Decrease			
	Perm.		WY		Perm.		WY		Perm.		WY		Perm.		WY		Perm.		WY	
	Pos.	Amt.	Pos.	Amt.	Pos.	Amt.	Pos.	Amt.	Pos.	Amt.	Pos.	Amt.	Pos.	Amt.	Pos.	Amt.	Pos.	Amt.	Pos.	Amt.
<u>Law Enforcement</u>																				
DOJ Law Enforcement.....	760	380*	...	\$2,225	760	730*	...	\$55,563	760	730*	...	\$55,563	...	...	...	...
DEA Intelligence.....	2,000	...	...	...	...	...	...	...	...	...	...	...	...
(Air-Wing)																				
DEA Automation.....	4,000	...	...	...	4,000	...	...	...	5,800	...	...	...	\$1,800
FBI Automation.....	16,000	...	...	...	...	...	...	...	5,000	...	...	...	5,000
FBI Voice Privacy...	12,000	...	...	...	...	...	...	...	...	...	...	...	...
State & local costs.	1,628	...	...	...	3,256	...	...	...	3,256	...	...	...	...
Other Federal																				
Law Enforcement.....	500	250*	...	14,716	...	...	...	4,000	...	...	...	...	...	...	...	4,000
Subtotal.....	1,260	630*	...	92,569	760	730*	...	66,819	760	730*	...	69,619	...	...	...	2,800
<u>Prosecution</u>	340	170*	...	11,731	340	326*	...	17,630	340	326*	...	17,630	...	...	...	...
<u>Corrections</u>																				
Cooperative Agreement																				
Program.....	5,000	...	...	...	...	...	...	...	10,000	...	...	...	10,000
FPS Expansion.....	10	5*	...	18,000	10	10*	...	...	10	10*	...	6,000	...	...	...	6,000
Subtotal.....	10	5*	...	23,000	10	10*	...	...	10	10*	...	16,000	...	...	...	16,000
<u>Policy & Management</u>																				
Presidential Commission																				
on Organized Crime..	2,500	20	19	20	2,500
Governors' Project..	100	...	...	...	100	...	...	...	100	...	...	...	...
Annual Report.....	100	...	...	...	100	...	...	...	100	...	...	...	...
Subtotal.....	200	...	...	...	200	20	19	20	2,700	20	19	20	2,500
Total.....	1,610	805	...	127,500	1,110	1,066	...	84,649	1,130	1,085	...	105,949	20	19	20	21,300

*Reimbursable positions have been reflected in order to portray the full-time equivalent requirement; however, these workyears will be earned by the Federal agencies participating in the Task Force operations.

Organized Crime Drug Enforcement
Justification of Program and Performance
Activity Resource Summary
(Dollars in thousands)

Activity: Law Enforcement

	1983 Appropriation		1984 Base		1984 Estimate		Increase/Decrease	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
DOJ Law enforcement.....	760	380*	760	\$55,563	760	730*	...	...
DEA Intelligence (Air-Wing) ..	...	2,000	...	...	...	...	...	...
DEA Automation.....	...	4,000	...	4,000	...	...	...	1,800
FBI Automation.....	...	16,000	...	...	...	...	...	5,000
FBI Voice privacy.....	...	12,000	...	...	...	...	...	...
State and local costs.....	...	1,628	...	3,256	...	...	...	1,628
Other Federal law enforcement.....	500	250*	...	4,000	...	...	...	-4,000
Total.....	1,260	630*	760	66,819	760	730*	...	2,800

This budget activity includes resources for the operating expenses and special equipment needs of Federal law enforcement agencies participating in Regional Organized Crime Drug Task Forces. The Task Forces are located throughout the country with investigative activities coordinated out of 12 headquarters cities.

*Reimbursable positions have been reflected in order to portray the full-time equivalent requirement; however, these workyears will be earned by the Federal agencies participating in the Task Force operations.

	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease	
	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount	Pos.	WY
IXJ Law Enforcement...	760	380	\$42,225	760	730	\$55,563	760	730	\$55,563	...	...

Long-Range Goal: To identify and investigate members of high-level organized criminal enterprises engaged in drug trafficking and to destroy the operations of those organizations.

Major Objectives:

- To target and investigate individuals who organize, direct and finance high-level illegal narcotics trafficking enterprises.
- To make full use of financial investigative techniques and forfeiture actions, thereby enabling the Government to seize assets and profits derived from narcotics trafficking.
- To promote a coordinated drug enforcement effort in each Task Force area.
- To encourage maximum cooperation among all drug enforcement agencies.
- To work fully and effectively with state and local law enforcement agencies investigating illegal narcotics trafficking.

Base Program Description: This program provides the funding for investigators, clerical staff and associated support for the twelve Task Force regions in 1984. The Task Forces regions include New England (Boston), New York/New Jersey (New York City), Mid-Atlantic (Baltimore), Southeast (Atlanta), Gulf Coast (Houston), South Central (St. Louis), North Central (Chicago), Great Lakes (Detroit), Mountain States (Denver), Los Angeles/ Nevada (Los Angeles), Northwest (San Francisco), and Southwest Border (San Diego).

The focus of Task Force activity is on the investigation of organized criminal enterprise leadership involved in drug trafficking and the breakup of the infrastructure of organized criminal enterprises. This includes the seizure and forfeiture of assets of organized criminal enterprises involved in narcotics trafficking.

To ensure most effective utilization of Task Force resources, cases proposed for investigation must be approved by the Task Force coordinator for a region, that is, by the senior U.S. Attorney.

Each Drug Task Force is expected to carry out two or three major proactive long-term investigations similar to BANCOSIARES, UNIRAC, or SFOs (major DEA special enforcement operations). Investigations are conducted utilizing available techniques and resources, as appropriate for the particular type of criminal activity and the nature of the investigation.

Investigative techniques utilized by task force participants include electronic surveillance, undercover operations, aerial surveillance, interviews, and record reviews and analyses. Other techniques utilized by investigative personnel include purchase of evidence and payments for information.

Accomplishments and Workload: On January 20, 1983, the Attorney General announced that initial personnel allocations for the Task Forces had been made. Each of the twelve Task Force headquarters cities was assigned 18 agents, including coordinators. Six from the Federal Bureau of Investigation, six from the Drug Enforcement Administration, and six from the Treasury Department -- three from Internal Revenue, two from Customs, and one from the Bureau of Alcohol, Tobacco, and Firearms. Additional agents are to be assigned to Task Force work so that by late February more than half of the agents or 800 will have been assigned. The remainder will be phased into the program during late winter and the spring, and the Task Forces will be at full strength by the end of the summer.

Case assignments have also proceeded on schedule. After a thorough review of cases proposed for investigation, two major drug cases were selected for the headquarters city in each of the twelve Task Force regions. Additional cases will be selected for the non-core city areas of each region.

	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease		
	Anticipated									Perm.		
	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount
DEA Automation.....	\$4,000	...	...	\$4,000	...	...	\$5,800	...	...	\$1,800

Long-Range Goal: To provide a strong automated support capability which will permit investigative personnel to identify and counter nationwide drug trafficking networks.

Major Objectives:

- To pursue a comprehensive, long-range automation strategy to assist in permanently disrupting major criminal enterprises engaged in narcotics trafficking.
- To expand the number of users of DEA ADP telecommunications capabilities, both foreign and domestic.
- To increase the reliability, scope, and security of DEA data transmissions while reducing telecommunications line charges.
- To maintain the capability to rapidly respond to new and/or unanticipated operational requirements of drug enforcement activities.

To continue implementation of those data-based systems which directly support the long-term investigation of high echelon drug traffickers.

Base Program Description: This program provides an automation capability for rapid and accurate transfer of information and intelligence necessary to support the President's Organized Crime Drug Enforcement (OCDE) program. These services are provided to the regional task forces by the DEA on a reimbursable basis primarily through utilization of DEA Automated Telecommunications System (DATS) and PATHFINDER II, a component of the National Narcotics Intelligence System, to access major enforcement support systems of DEA. In this manner, DEA data-based systems such as the Narcotics and Dangerous Drug Information System (NADDIS) and the System to Retrieve Information from Drug Evidence (STRIDE) provide authorized users with information on persons, businesses, ships, aircraft, certain airfields, unusual occurrences and other matters related to drug intelligence. These systems also support conspiracy investigations by showing linkages between individuals and separate DEA investigations as well.

Matters of immediate urgency to the Task Forces necessarily involve a reduction in the routine time-consuming nature of case processing work in support of the effective utilization of investigative personnel. As such, continued implementation of modern Data Base Management Systems (DBMS) which provide significantly increased retrieval capability on specific DEA data bases addresses these concerns. System modernization and standardization of software, data elements, and query procedures which reduce the training and query time of the user also address the need for responsive information systems.

PATHFINDER information is made available to Federal, State and local law enforcement officials who have a proper need to know and are signatory members of the El Paso Intelligence Center (EPIC). Data input to PATHFINDER is accomplished by both on-line and batch methods to the Digital Equipment Corporation 11/70 and 11/45 Computers at DEA headquarters. PATHFINDER access can be gained in both domestic and foreign DEA offices and OCDE Task Force offices. The highly flexible nature of the PATHFINDER DBMS software provides DEA with the capability to rapidly design files to support special investigations.

NADDIS is the major Enforcement Support System for DEA and consists of approximately 1.2 million records on persons, businesses, ships, aircraft, and certain airfields. This centralized index of all DEA investigative reports enables an authorized user to determine a subject's past criminal activities or associations which have been documented by DEA agents; in addition it provides references to the location of further information on the subject of the query. Due to the worldwide, transient nature of illicit drug operations, it is not unusual for a single individual to be documented by DEA criminal investigators in various parts of the world. NADDIS, therefore, not only provides background information on individual subjects of interest to DEA, but also supports conspiracy investigations by showing linkages between individuals and separate DEA investigations. Use of a DBMS has significantly expanded the capability of the intelligence analysts and agents to develop these linkages and, therefore, to develop additional investigative leads.

NADDIS is accessed via DATS by over 300 terminals located nationwide and in Mexico, Canada, England, France, Italy, Germany, and Thailand. Current plans call for additional overseas terminals to be located in other European, South American, Middle East and Asian Countries via a Secure Telecommunications System operated by the Department of State.

Accomplishments and Workload: The resources appropriated for this program augment those provided to the DEA for automation support systems which have been under development for many years. For this reason, more detailed information on accomplishments is provided within the ADP and Telecommunications program of the DEA's budget justification material. However, several items which demonstrate the utility of the systems of importance to the OCDE Task Force effort, NADDIS and PATHFINDER follow.

The primary DEA enforcement support system, NADDIS, was maintained during the year with no significant downtime. Average time up was 95 percent. Direct support was provided to various special task force investigations through DATS, NADDIS, PATHFINDER and the micrographics programs. Through cooperation with the Department of State, DEA has been able to expand the use of the capabilities of its various systems to several new locations with minimal cost. DEA provided hardware, software, and technical support to the Department of Public Safety, Dade County, Florida in their development of an automated system for analysis of illicit drug information. This effort included a rapid response in support of the South Florida Task Force to stem the flow of illicit drugs into the United States through Florida, by installation of ADP equipment and ADP operational assistance. Specific examples of other accomplishments related to criminal investigations include PATHFINDER analytical support in the Judge Wood assassination, analytical assistance in financial investigations of Kattan, Orozco, and others, as well as telephone toll analysis in the Viboud and Cabatu investigations.

Program Changes: Initial funding of \$4,000,000 provided in 1983 for this program remains in the base for 1984 to continue with the modernization strategy required to ensure that advanced automation technology continues to be brought on-line in direct support of DEA and OCDE operations. This strategy includes a pilot project for DATS replacement due to the obsolescence of existing equipment and implementation of DEAWORD and DEASURE which incorporates word processing support and an information exchange capability under an office automation concept.

The additional funding of \$1,800,000 in 1984 is required to complete the redesign and redevelopment of DEA automated systems under a DMS to maximize efficiency of DEA automated systems and therefore the use and sharing of DEA automated information through standardization of software and data base elements. This will expand existing capabilities for information processing and analysis while assuring the secure handling of investigative information as is necessary during the conduct of sensitive investigations undertaken by the OCDE Task Forces.

These measures will also help to ensure that the wealth of information contained in NADDIS and other DEA information systems will be increasingly made available to the Task Forces. These funds will permit the continued implementation of an aggressive and well-planned strategy to modernize DEA's automation and teleprocessing capability.

1983 Appropriation Anticipated	1984 Base		1984 Estimate		Increase/Decrease	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
FBI Automation.....	...	\$16,000	...	...	...	\$5,000

Long-Range Goal: To provide a strong automated support capability which will permit investigative personnel to identify and counter nationwide drug trafficking networks.

Major Objectives:

To pursue a comprehensive, long-range automation strategy designed to assist in permanently disrupting major criminal enterprises, especially those involved in narcotics trafficking.

To equip enforcement personnel at the field office level with improved technological systems, primarily through continued implementation of the FBI's Field Office Information Management System.

To continue implementation of those data-based systems which directly support the long-term investigation of high echelon drug traffickers, especially the FBI's Organized Crime Information System.

Base Program Description: This program provides a critical automation capability which is necessary to support the President's Organized Crime Drug Enforcement (OCDE) program. These services are provided to the regional Task Forces by the FBI on a reimbursable basis and are primarily accomplished through two major systems: the Field Office Information Management System (FOIMS) and the Organized Crime Information System (OCIS).

Matters of immediate urgency to the Task Forces involve not only a reduction in the routine time-consuming nature of case-processing work, but also assurances that investigative resources are being effectively deployed and managed. Continued implementation of the FBI's FOIMS initiative addresses each of these concerns, for example, by installing a field office-oriented Case Management Subsystem. This particular subsystem permits administrative control and management of all investigative matters, with the capability to direct specific support to narcotics related cases. The design of FOIMS allows storage of information pertaining to individual cases which can then be collated to build a picture of drug activity across a particular geographical area. The regional composite of drug-related activities which emerges from FOIMS' automated indices will be of obvious practical value to both FBI and OCDE operations.

In addition to allowing for the secure handling of all investigative information, FOIMS also provides for word processing support and an information compilation and exchange capability which will continue to enhance coordination among OCDE Task Force locations. There is also built into the system a basis for trend analysis and projections of increased narcotics trafficking which will permit the Attorney General to concentrate OCDE personnel and other resources in the most critical problem areas.

As the second major system providing essential automation support to the OCDE Task Forces, the FBI's OCIS program represents an intelligence-oriented investigative system supporting the collection, collation, and analysis of information relating to organized crime subjects and activities. The increasing mobility of traditional organized crime figures throughout the United States, accompanied by the increased ease with which they have transferred illegally-generated monies, has required the establishment of a strong investigative data base upon which intelligence information can be shared. With the FBI's OCIS capability available to support the OCDE effort, bits and pieces of drug-related information can be tied together to enable Task Force personnel to see the entire structure of a narcotics cartel and to pursue cases which can be successfully prosecuted.

Accomplishments and Workload: Because the 1983 resources appropriated for this program essentially augment those FBI automation support systems which have been under development for many years, more detailed information on accomplishments is provided within the ADP and Telecommunications program of the FBI's own budget justification material. However, it may be useful to reemphasize several items which demonstrate the progress which has been made in those two system areas of particular importance to the OCDE Task Force effort, that is, RIMS and OCIS.

The Northeast Regional Computer Center, located at Ft. Monmouth, New Jersey, serves as the prototype regional center for the overall RIMS program. Although still scheduled for additional construction, the Center has been initially activated and is currently serving the Richmond Division, with limited support to the New York Division. Expanded "on-line" status is expected to provide substantial automation support for the New England, New York/New Jersey and Mid-Atlantic OCDE Task Force regions.

The FBI's OCIS is already on-line in 29 field locations, including all but two of OCDE's designated headquarters cities. This capacity has been utilized numerous times to assist in the preparation of Title III and search warrant affidavits and in the coordination of numerous arrests. The OCIS data base includes over 470,000 records, including background information on 80,000 people, 26,000 organizations and over 200,000 relationships. This represents a very significant information resource for the OCDE effort. The data base is maintained and managed by trained information analysts who utilize their own experience and knowledge of organized crime enterprises to conduct complex analyses of Task Force areas.

Program Changes: Because the entire amount (\$16,000,000) anticipated to be appropriated in 1983 for this program represents one-time equipment purchases, the \$5,000,000 in resources requested for 1984 represents a program increase. It is required to ensure that advanced automation technology continues to be brought on-line in direct support of FBI and OCDE operations. This is a long-range modernization strategy representing a balanced, cost-effective approach to investigative resource management.

The 1984 funds being requested will be of particular benefit in accelerating the implementation of the RIMS Initiative. This will not only expand the basis already available for trend analysis and projections of increased narcotics trafficking, but it will also ensure the secure handling of investigative information. This latter concern is of special importance during the conduct of the types of sensitive cases undertaken by the OCDE Task Forces. It is also important to recognize the role that an expanded RIMS capability can perform as certain high-level Task Force cases move into the prosecution stage during 1984.

The additional funds requested will also help ensure that the wealth of information contained within the OCIS data base will be increasingly made available to the OCDE effort. Terminal clusters and additional computer equipment can be purchased so that investigators from each of the Task Force localities have access to this valuable OCIS data. In summary, the 1984 request for this program will permit to continue not only the provision of necessary support to OCDE investigations, but also an aggressive and well-planned effort to modernize RH's automation capability.

	1983 Appropriation Anticipated			1984 Base			1984 Estimate			Increase/Decrease		
										Perm.		
	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount	Pos.	WY	Amount
State and local costs.....	\$1,628	...	...	\$3,256	...	...	\$3,256	...	...	..

Long-Range Goal: To seek cooperation with law enforcement agencies at all levels in achieving overall goals in relation to the problems of organized crime and narcotics trafficking.

Major Objectives:

- To establish liaison with State and local law enforcement on Task Force cases.
- To work fully and effectively with State and law enforcement agencies.
- To ensure information sharing and operational coordination in drug enforcement within the regions.

Base Program Description: The Task Force will work in close cooperation with State and local law enforcement personnel and when necessary provide resources for such expenditures as extraordinary overtime, specialized equipment and other operating costs incident to State and local involvement in Task Force operations. In order to ensure that this coordination takes place, the Task Force Coordination Group in the core city will meet regularly with State and local law enforcement to ensure that proper and effective information sharing and coordination does occur. In addition, there will be a State and local law enforcement representative on each District Drug Enforcement Coordination Group which is located in each district.

	1983 Appropriation		1984 Base		1984 Estimate		Increase/Decrease	
	Perm.	WY	Perm.	WY	Perm.	WY	Perm.	WY
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Other Federal Law Enforcement.	500	\$14,716	...	\$4,000	...	...	...	-\$4,000

Program Changes: In FY 1983, funding was included in the Organized Crime Drug Enforcement appropriation to reimburse other Federal law enforcement agencies for participation in the Drug Task Forces. In 1984, the Administration decided to provide direct funding to the Department of the Treasury for the Internal Revenue Service, the U.S. Customs Service, and the Bureau of Alcohol, Tobacco and Firearms. Therefore, 500 permanent positions and related funding of \$12,716,000 were transferred to that appropriation. Of the \$14,716,000, \$2,000,000 was earmarked to reimburse the U.S. Coast Guard in 1983. This amount would have been annualized at \$4,000,000 in FY 1984. No direct funding was provided to the Coast Guard for this purpose in FY 1984.

	1983 Appropriation Anticipated		1984 Base		1984 Estimate		Increase/Decrease	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
Activity: Prosecution								
Prosecution.....	340	170 \$11,731	340	326 \$17,630	340	326 \$17,630	...	...

Long-Range Goal: To reduce the incidence of organized criminal involvement in all aspects of illicit drug activity in the United States through the prosecution of members of high-level drug trafficking enterprises.

Major Objectives:

To obtain judicial determinations as to the guilt or innocence of individuals who may have organized, directed, financed, or otherwise engaged in high-level illegal drug trafficking enterprises, including large scale money laundering organizations.

To provide, through coordinated efforts with other Task Force elements, the initial review and approval of proposed Organized Crime Drug Enforcement (OCDE) Task Force investigations in order to ensure that Task Force resources are devoted to the highest-quality drug trafficking cases.

To ensure that evidence gathered in OCDE cases is legally obtained and properly prepared and presented in grand jury sessions and in the trial and appellate courts.

To review and evaluate civil and criminal forfeiture opportunities arising in OCDE cases, so as to ensure the preparation and filing of complaints related to forfeitures and the collection of forfeitures ordered by the courts.

To review, evaluate, and exercise oversight of the use of proposed drug diversion cases, plea bargaining proposals, and other legal arrangements impacting the prosecution of major organized drug trafficking groups.

Base Program Description: Each Task Force prosecution unit will consist of attorneys and support staff coordinated by a core-city U.S. Attorney who will be accountable to the Associate Attorney General on matters pertaining to conduct of the Task Force. The thrust of the Task Force prosecution program is to encourage the maximum level of cooperation at the district level by marshaling the efforts of federal and local prosecutors and making the core-city United States Attorney responsible for the coordination of the Task Force.

Each Task Force will operate through a central office and have its own small administrative staff. The program is not designed to be administered centrally from Washington.

Accomplishments and Workload: Initial personnel allocations to the Task Force Regions have been completed with four prosecutors, including a coordinator assigned to each core city. Additional prosecutors are assigned to other cities within the region. All attorneys will be assigned by late summer.

Case assignments have also been completed on schedule. Two major drug cases have been selected for the headquarters city of the 12 Task Force Regions. Significant numbers of additional cases are to be selected for investigation in cities other than the headquarters.

In addition, a Departmental Working Group has been formed to assess and report on the information that should be collected for Task Force cases to best manage and evaluate the results of Task Force efforts.

Activity: Corrections	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease		
	Anticipated									Perm.		
	Pos.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount	Pos.	WY	Amount
Cooperative Agreement Program.....	...	...	\$5,000	...	...	...	...	...	\$10,000	...	...	\$10,000
PPS Expansion.....	10	5	18,000	10	10	...	10	10	6,000	...	...	6,000
TOTAL.....	10	5	23,000	10	10	...	10	10	16,000	...	...	16,000

This request includes the resources required to provide additional prison and jail bedspace, both to relieve current conditions of overcrowding and to accommodate the anticipated increase in the number of sentenced and unsentenced prisoners. Funds are provided for the construction and renovation of State and local facilities through the Cooperative Agreement Program guaranteeing the Federal Government bedspace in local jails. Specific targets are those areas of the country in particular need of additional bedspace and in support of the Task Force efforts.

Cooperative Agreement Program.....	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease		
	Anticipated									Perm.		
	Pos.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount	Pos.	WY	Amount
Cooperative Agreement Program.....	\$5,000	...	...	...	...	...	\$10,000	...	...	+\$10,000

Long-Range Goal: To provide the resources necessary to assist any state, territory or political subdivision thereof in the necessary physical renovation or construction of any detention facility which guarantees to confine federal prisoners held in the custody of the U.S. Marshals Service.

Major Objectives:

To provide funding under the Cooperative Agreement Program which will encourage local governments to house federal prisoners and to provide conditions of confinement and levels of inmate services which will be in compliance with acceptable detention standards.

Base Program Description: The primary responsibility of this program is to provide the resources necessary to enter into agreements with State and local governments for construction and/or expansion of jail space thereby guaranteeing the Marshals Service an aggregate increase of jail space in or near Federal court cities for Marshals Service prisoners. Currently, there is insufficient space available for long-term confinement of pre-trial detainees in several districts.

Accomplishments and Workload: Accomplishments of the Cooperative Agreement program are presented in the following table:

ITEM	Estimates			
	1981	1982	1983	1984
Construction/Expansion of jail space renovation projects.....	5	6

The Cooperative Agreement Program, initiated in 1982, enabled the Marshals Service to acquire 636 guaranteed detention spaces in 9 local jails at a cost of \$1,480,000. New jail construction or expansion projects funded in FY 1983 will add approximately 195 spaces at a cost of \$5,000,000 in judicial districts where space is critically required to support Federal law enforcement activities.

During 1983, the Marshals Service expects to fund the following major projects to provide approximately 35 beds for pre-trial detainees in the King County Jail (Seattle); approximately 40 spaces with Philadelphia City Jail; approximately 75 spaces for Federal prisoners in Clark County (Las Vegas); approximately 15 spaces in the Matham County Jail (Savannah).

Program Changes: The requested \$10,000,000 in FY 1984 will provide resources necessary to enter into additional agreements with State and local governments for construction and/or expansion of jail space thereby guaranteeing the Federal Government and aggregate increase of approximately 325 bed spaces in FY 1984 for pre-trial detainees in the following areas:

- (1) - \$4,000,000 is being requested to guarantee approximately 100 spaces in the Sacramento County Jail (Sacramento, California). The 75 year old jail is overcrowded, unsafe and under Federal court order. Intervention by the Federal Judiciary in the district and cooperation with the Public Defender has thus far forestalled expulsion of Federal prisoners. Repeated incidents of physical abuse of Federal prisoners in the Sacramento facility have caused numerous complaints from the Federal courts.
- (2) \$2,000,000 is needed to enter into an agreement with the Pexar County jail (San Antonio, Texas) to provide approximately 80 additional spaces for pre-trial detainees. Pending Federal court actions and state imposed population ceilings have limited the use of or excluded the Marshals Service from housing Federal pre-trial detainees in almost every jail in the Western Texas District. The Service has been forced to relocate San Antonio prisoners to the already overcrowded Federal Correctional Institution at Bastrop which is located 95 miles away and other non-metro-politan areas located up to 150 miles away.

- (3) \$1,250,000 will guarantee approximately 50 spaces in the Alexandria City Jail (Alexandria, Virginia). The Alexandria area now houses prisoners to many jails including ones in the Richmond area. Because of overcrowded conditions and inadequate jail services, this jail is also under Federal court order.
- (4) \$600,000 will provide resources for approximately 30 spaces in the Wake County Jail (Raleigh, North Carolina). Federal use is limited in most jails in the Eastern District, requiring a continuous movement of prisoners between jails on a space available basis. The requested resources will allow the Marshals Service to negotiate an agreement to renovate the Wake County jail facility, thereby, making additional bed space available.
- (5) \$300,000 is requested to guarantee approximately 15 spaces in the Washoe County Jail (Reno, Nevada). Prisoners are housed for no longer than 5 to 10 days at jails in Las Vegas and Reno before being bused to either San Diego or Eastern California. This district could not handle any significant increase in prisoner load until local jail space is acquired.
- (6) \$1,850,000 is needed to guarantee approximately 50 spaces in the Duval County Jail (Jacksonville, Florida). Space has not been available in Duval County for two years, requiring the busing of prisoners to rural facilities. A Federal Court action against the county has set a population ceiling which is strictly monitored. Unless an agreement is made with Duval County to expand its space, the Marshals Service will have to continue housing its Federal prisoners in rural facilities.

	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease	
	Perm.	Pos.	Amount	Perm.	Pos.	Amount	Perm.	Pos.	Amount	Perm.	Pos.
Federal Prison System Expansion.....	10	5	\$18,000	10	10	...	10	10	\$6,000	...	...
											\$6,000

Long-Range Goal:

To provide safe, efficient and adequately sized and equipped facilities for the operation of correctional programs within the Federal Prison System in support of overall criminal justice system initiatives.

Major Objectives:

- To locate sites as near as possible to large metropolitan areas in order to maximize the use of community resources and place inmates close to their release destination.
- To support investigative and prosecutive efforts of the criminal justice system by ensuring the availability of adequate prison facilities.
- To reduce institutional overcrowding.
- To provide offenders with a safe and humane environment in which to serve out their sentences.

Base Program Description:

The 1984 budget request for this program provides \$6,000,000 to continue the expansion of federal prison facilities begun in the latter part of 1983. At that time, \$18,000,000 was provided to increase overall federal prison capacity by 780 bedspaces at seven existing institutions. The 1984 request provides resources necessary to further increase overall federal prison capacity by 340 bedspaces at three existing institutions. The total OODP task force effort is expected to result in approximately 1,000 to 1,500 defendants for whom prison space will be required, an increase of 3.6 to 5.3 percent in prison population growth. A number of other expansion and construction projects approved in prior budget years will add 625 and 400 more bedspaces in 1983 and 1985, respectively, to accommodate anticipated growth in general prison population beyond that projected to occur as the result of the OODP program.

Notwithstanding these efforts to relieve overcrowded conditions, a conservative estimate of population growth through 1987 of two percent per year will continue to exceed federal prison capacity by at least 4,000 bedspaces. This will be partially offset in 1984 by increased utilization of community corrections programs in which the Federal Prison System anticipates placing an average daily population of approximately 2,300 eligible inmates for an average length of stay of 100 days. In addition, funds made available through the OODP program for the Cooperative Agreement Program would enable states to remove a growing number of sentenced state offenders and unsentenced detainees from federal facilities and thus create space to accommodate inmates designated to be confined at the federal level.

The custody level most acutely impacted by housing shortages is the minimum custody level. This has ramifications throughout the prison system because the minimum custody level not only houses offenders sentenced there by the courts, but also offenders nearing their release dates who are in transition from more restrictive custody levels. Consequently, corrections officials are confronted with unrelieved overcrowding at higher custody levels as new inmates are sentenced to these facilities and old-term inmates eligible for transfer to minimum custody facilities are denied movement for lack of bedspace. The expansion projects planned for 1984, described below, are designed to increase available bedspace at the minimum custody level by 310 bedspaces; the addition of a 30-bed segregation unit to house all custody levels will increase overall capacity by 340 bedspaces.

1. Northeast Region--\$3,000,000 to construct a camp at the Otisville, New York, facility to house 150 minimum custody inmates. The existing facility is designed to house 423 medium custody offenders and is currently 33 percent overcrowded. The camp would permit eligible minimum custody status offenders currently housed in higher custody level institutions to be transferred to a less restrictive environment.
2. Southeast Region--\$750,000 to provide 30 seclusion cells for the mental health unit at the Butner, North Carolina, facility. Butner is an administrative facility with correctional and mental health components. An additional \$2,250,000 is included to construct two-eighty bed dormitories at the Montgomery, Alabama, facility adjacent to the existing camp. Montgomery is currently 25 percent overcrowded; construction of the two dormitories would relieve minimum custody housing shortages overall in the Southeast Region.

Accomplishments and Workload:

Since 1974, the Federal Prison System has designed and acquired sites for 12 new facilities including the Federal Correctional Institutions in Butner, North Carolina; Pleasanton, California; Memphis, Tennessee; Talladega, Alabama; Bastrop, Texas; Otisville, New York; Ray Brook, New York; and Metropolitan Correctional Centers in New York, New York; Chicago, Illinois; San Diego, California; Miami, Florida, and Tucson, Arizona.

By monitoring surplus facilities and under-utilized or de-activated military facilities, FPS has acquired the Federal Correctional Institutions at Oxford, Wisconsin, Lexington, Kentucky, and Fort Worth, Texas, the Federal Prison Camps at Eglin, Florida; Montgomery, Alabama; Big Spring, Texas, and Boron, California. This alternative has increased FPS capacity by 3,379. FPS is currently in the process of acquiring the U.S. Air Force Station at Mt. Laguna, California for use as a Federal Prison Camp. Acquisition of this facility will provide an additional capacity of 300.

FPS staff architects have completed design concepts for the proposed Federal Correctional Institution near Phoenix, Arizona, and are in the initial stage of designing housing units for the 1,000-bed Allen Detention Center which is pending site selection.

Finally, in its 1984 budget, the Federal Prison System has requested funds for planning and site acquisition of two northeast region Federal Correctional Institutions and construction of one other northeast region Federal Correctional Institution, as well as a Metropolitan Correctional Center in Los Angeles, California. These facilities, expected to become operational in 1987, would increase capacity by 2,000.

Organized Crime Drug Enforcement
Status of Construction of Facilities
(Dollars in thousands)

Project	Inmate Capacity	Budget Request and Construction		Total Current Cost Estimate or Actual	Status - January 1983 Obligation to Stage of Date Programs	Expected Completion Date	Estimated Activation Date
		Fiscal Year	Amount				
Petersburg(1)	150	1983	1,900	1,900	Published ad for A/E services	4/85	5/85
Leavenworth(1)	160	1983	4,870	4,870	" " " "	4/85	5/85
Ashland(1)	100	1983	1,750	1,750	" " " "	4/85	5/85
Rutner(1)	100	1983	1,650	1,650	" " " "	4/85	5/85
Tallahassee(1)	100	1983	2,100	2,100	" " " "	4/85	5/85
Memphis(1)	100	1983	3,380	3,380	" " " "	4/85	5/85
Oxford(1)	70	1983	2,350	2,350	" " " "	4/85	5/85
Otisville(2)	150	1984	3,000	3,000	" " " "	10/85	11/85
Rutner(2)	30	1984	750	750	" " " "	10/85	11/85
Montgomery(2)	160	1984	2,250	2,250	" " " "	10/85	11/85
TOTAL	1,120		\$24,000	\$24,000			

(1) Reimbursable in 1983

(2) Reimbursable in 1984

Activity: Policy and Management	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease		
	Anticipated											
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Presidential Commission on Organized Crime.....	20	19	\$2,500	20	19	\$2,500
Governors' Project.....	\$100	...	...	\$100	...	...	100	...	...	...
Annual Report.....	100	...	...	100	...	...	100	...	...	...
TOTAL.....	200	...	...	200	20	19	2,700	20	19	2,500

This activity includes the resources for the provision of guidance and general control of all Task Force efforts. This is primarily accomplished through an interdepartmental committee of policy officials who assist in the allocation and management of resources among established Task Force regions and among participating agencies. A principal function within this activity is the continual reassessment of the National effort against organized crime and drug trafficking, including the identification of new enforcement approaches and techniques which are needed.

Activity: Policy and Management	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease		
	Anticipated											
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Presidential Commission on Organized Crime.....	20	19	\$2,500	20	19	\$2,500

Long-Range Goal: To heighten public awareness and knowledge about the threat of organized crime and mobilize citizen support for its eradication.

Major Objectives:

To undertake a region by region analysis of the influence of organized crime.

To make a nation-wide assessment of data gathered by the commission.

To hold public hearings on its findings.

To develop new law enforcement strategies toward organized crime based on research and public hearings.

To develop legislative recommendations based on findings.

Base Program Description: The Commission on Organized Crime will be appointed by the President with a mandate to develop a nation-wide assessment of the nature and scope of organized crime as it exists today. It is anticipated that this Commission will be composed of fifteen distinguished Americans from diverse backgrounds and professions with practical experience in criminal justice. The Commission will have a three year term. The Commission will have an expert staff and a number of consultants to assist it in fulfilling its mandate. During its term, the Commission, assisted by staff, will conduct nationwide as well as region-by-region assessments of the power and influence of organized crime.

	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease	
	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY
Governors' Project.....	\$100	...	...	\$100	...	...	\$100	...	...

Long-Range Goal: To bring about reforms in state and local criminal justice systems.

Major Objectives:

To elicit ideas from the Nation's Governors regarding state and local criminal justice reforms.

To provide a forum for the states to inform the Federal government of their organized crime and law enforcement problems.

To achieve public awareness regarding the necessity for state and local criminal justice reforms.

Base Program Description:

The Governors' Project, or the Fifty-State Project, is an effort to enlist the aid of the Nation's Governors in achieving the overall goal of reforming state and local criminal justice systems. The Governors' Project will help coordinate Federal efforts with State and local enforcement programs, provide a forum for States to tell the Federal Government of their concerns about organized crime, and supplement the Law Enforcement Coordinating Committees. The resources requested are for communication and travel expenses related to this effort.

1983 Appropriation Anticipated	1984 Base		1984 Estimate		Increase/Decrease	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
Annual Report.....	...	\$100	...	\$100	...	...

Long-Range Goal: To inform the American people about what is being done and needs to be done to combat organized crime.

Major Objective:

To issue an annual report to the American people regarding current status of efforts against organized crime.

To establish standardized procedures with which to collect information on Task Force cases.

Base Program Description: The President has mandated the Attorney General to report to the American people regarding the status of law enforcement efforts directed at organized crime. The annual report will be prepared by Department of Justice staff utilizing statistical data collected on Task Force cases. This request covers the cost associated with submitting an annual report, such as, editing, design, typesetting, printing, and distribution.

Accomplishments and Workload: A committee has been formed to identify the information needs of the annual report. This committee is in the process of developing a case tracking and reporting system which will be used as the basis to evaluate the Task Forces.

Organized Crime Drug Enforcement
Detail of Permanent Positions by Category
(Fiscal Years 1982-1984)

Category	1983 Authorized	1984	
		Program Increases	Total
Attorneys	...	4	4
Social Scientists	...	5	5
General Administration	...	8	8
Accounting and Budget	...	1	1
Personnel Management	...	1	1
Statistician	...	1	1
Total	...	20	20
Washington	...	20	20

Organized Crime Drug Enforcement

Summary of Adjustments to Base
(Dollars in thousands)

	<u>Perm. Pos.</u>	<u>Work- years</u>	<u>Amount</u>
1983 appropriation anticipated.....	1,110	805	\$127,500
Adjustments to base:			
Transfers to Department of Treasury.....	-500	-250	-12,716
Uncontrollable increases:			
Annualization of 1,110 positions and resources.....	...	511	24,765
Decreases:			
Nonrecurring costs for permanent change of station moves.....	...	...	-1,900
Nonrecurring costs for DEA air-wing.....	...	...	-2,000
Nonrecurring costs for FBI automation.....	...	...	-16,000
Nonrecurring costs for FBI voice privacy equipment.....	...	...	-12,000
Nonrecurring costs for Cooperative Agreement Program.....	...	...	-5,000
Nonrecurring costs for PPS expansion.....	...	...	-18,000
Total, decreases.....	...	...	-54,900
1984 Base.....	1,110	1,066	84,649

Organized Crime Drug Enforcement
Salaries and Expenses
Justification of Adjustments to Base
(Dollars in thousands)

	Perm. Pos.	Work- years	Amount
Transfers to other accounts: This transfer represents the shift of resources to the Department of the Treasury.	500	250	\$12,716
Uncontrollable increases: Annualization of 1,110 positions & resources approved in 1983.....	...	350	24,765
	Approved 1983 levels	Annualization required	
Annual rate of 1,110 new positions.....	45,529		
Less lapse (50 percent).....	22,765	22,765	
Net compensation.....	22,764		
Annual cost for U.S. Coast Guard support.....	4,000		
Less lapse (50 percent).....	2,000	2,000	
Total costs subject to annualization.....	24,764	24,765	
<u>Decreases (Automatic non-policy)</u>			
1. Nonrecurring costs of permanent change of station moves.....	...	...	-1,900
2. Nonrecurring costs of one airplane for DEA.....	...	...	-2,000
3. Nonrecurring costs for FBI automation.....	...	...	-16,000
(These funds are reflected in FBI's FY 1984 request.)			
4. Nonrecurring costs for FBI Voice Privacy equipment.....	...	...	-12,000
(These funds are reflected in FBI's FY 1984 request.)			
5. Nonrecurring costs for Cooperative Agreement Program.....	...	...	-5,000
6. Nonrecurring costs for FPS expansion.....	...	...	-18,000
Total decreases.....	...	...	-54,900
Total, adjustments to base.....	-500	100	-44,851

Organized Crime Drug Enforcement
Financial Analysis - Program Charges
(Dollars in thousands)

Item	Law Enforcement		Corrections		Policy and Management	
	Pos.	Amount	Pos.	Amount	Pos.	Amount
<u>Grades</u>						
FS-11.....	1	\$58
GS/PM-15.....	3	146
GS/PM-14.....	2	83
GS/PM-13.....	3	105
GS-12.....	3	88
GS-9.....	3	61
GS-7.....	2	33
GS-6.....	2	30
GS-5.....	1	13
Total positions and annual rates.....	20	617
Lapse (-).....	-1	-31
Special personal services payments.....	151
Total workyears and personnel compensation.....	19	737
Personnel benefits.....	73
Travel and transportation of persons.....	272
Standard level user charges.....	103
Communications, utilities and other rent.....	91
Printing and reproduction.....	154
Other services.....	...	\$2,800	...	\$16,000	...	1,019
Supplies and materials.....	26
Equipment.....	3
Total workyears and obligations, 1983.....	...	2,800	...	16,000	19	2,500

Organized Crime Drug Enforcement

Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and Salary Ranges	1983 Estimate		1984 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
ES-4, \$63,800.....	...		1		1	
GS/EM-15, \$48,553-63,800.....	...		3		3	
GS/EM-14, \$41,277-53,661.....	...		2		2	
GS/EM-13, \$34,930-45,406.....	...		3		3	
GS-12, \$29,374-38,185.....	...		3		3	
GS-9, \$20,256-26,331.....	...		3		3	
GS-7, \$16,559-21,557.....	...		2		2	
GS-6, \$14,901-19,374.....	...		2		2	
GS-5, \$13,369-17,383.....	...		1		1	
Total, Appropriated positions.....			20	\$617,000	20	\$617,000
Lapses (-).....			-1	-31,000	-1	-31,000
Total, Permanent positions.....			19	586,000	19	586,000

Organized Crime Drug Enforcement

Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1983 Estimate		1984 Estimate		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Full-time permanent.....	19	\$586	19	\$586
11.8 Special personal services payments.....	151	...	151
Total, workyears and personnel compensation	19	737	19	737
12 Personnel benefits.....	73	...	73
21 Travel and transportation of persons.....	272	...	272
23.1 Standard level users charge.....	103	...	103
23.2 Communications, utilities and other rent...	91	...	91
24 Printing and reproduction.....	154	...	154
25 Other services.....	...	113,844	...	100,122	...	-13,722
26 Supplies and materials.....	26	...	26
31 Equipment.....	35	...	35
Total obligations.....	...	113,844	19	101,613	19	-12,231

Financing:

Unobligated balance, start-of-year.....	...	-13,656
Unobligated balance, end-of-year.....	13,656	17,992
Total requirements.....	127,500	105,949

Relation of obligations to outlays:

Obligated balance, start-of-year.....	...	9,694
Obligated balance, end-of-year.....	-9,694	-8,164
Outlays.....	104,150	103,143

Mr. DWYER. We have with us today the Honorable Rudolph Giuliani, the Associate Attorney General, who will present this request to the Committee. Mr. Giuliani, please proceed.

GENERAL STATEMENT

Mr. GIULIANI. Mr. Chairman, it is a pleasure to be here this afternoon. I will briefly summarize the statement that I submitted, and then answer any questions that you have.

I would like to take this opportunity to express our appreciation for the support this Committee provided in approving the funding for this program during the current fiscal year. It is gratifying to find that we share a mutual commitment to dealing with this urgent problem of paramount concern to all of us.

FUNDING LEVEL

The Administration is requesting full-year funding for the task force initiative for 1984. The request for the Organized Crime Drug Enforcement appropriation totals 1,130 staff and, as you pointed out, Mr. Chairman, \$105 million. This represents the full-year funding for the components of the Department of Justice which are participating in the task force's effort.

DISTRIBUTION OF TOTAL REQUEST

However, the President's total request for the task force initiative is 1630 positions and \$166,816,000. Approximately 500 positions and \$60.8 million of this total are included in other appropriations. Of this amount, \$28 million, which was in the OCDE account last year, is being requested directly for the FBI in 1984, and 500 positions and approximately \$32 million are requested directly by the Department of the Treasury to provide for their participation in the task force effort.

EIGHT POINT PROGRAM

On October 14 of last year, the President and the Attorney General announced a comprehensive eight point program that in President Reagan's words will expose and prosecute and ultimately cripple organized crime in America.

TASK FORCES

I want to discuss what we regard as the essential component to this important initiative with you today, and address where we are in the establishment of the task forces in 12 areas around the nation, which will attack international and domestic drug trafficking and other organized criminal activity.

In December, the Congress appropriated \$127.5 million for the task force program for the remainder of this fiscal year. It was a prompt and far-reaching decision in the public interest. We have now established 12 additional task forces in key areas in the United States, that is, additional to the task force in South Florida.

These task forces under the direction of the Attorney General will work closely with State and local law enforcement officials.

FEDERAL AGENCY PARTICIPATION

Following the South Florida example, they utilized the law enforcement resources of the Federal Government, including the FBI, the Drug Enforcement Administration, IRS, ATF, the Immigration and Naturalization Service, the United States Marshals Service, the United States Customs Service and the Coast Guard.

In addition, in some regions, Department of Defense tracking and pursuit capability will be made available. These task forces will allow us to mount an intensive and coordinated campaign throughout the country against international and domestic drug trafficking and other organized criminal enterprises.

INVESTIGATORS

Several points emphasize the significance of these new task forces in the fight against organized crime and drug trafficking. Our program has provided the first major infusion of new agents into the FBI and the DEA in approximately a decade. It means about a 25-percent increase in the number of agents devoted to drug work. The new task forces will complement the work of the Department's existing organized crime strike forces. Unlike prior Federal drug efforts that focused on street level violators, our task forces will concentrate on destroying the top levels of organized drug trafficking. These task forces are a major new undertaking, and they have the resources to match the significance of the undertaking. The network of task forces covers the United States.

GUIDELINES

On January 20, the Attorney General issued guidelines for the drug enforcement task forces. The guidelines were developed jointly by all of the agencies involved in the task forces, and they represent an example of the best kind of cooperation between Federal or among Federal law enforcement agencies.

A copy of the guidelines has been submitted to the Committee.

OPERATIONAL SCHEDULE

The organization of the task forces is now in place. The task forces are operational although not yet fully operational, and the program is on schedule. Our total personnel allocations are now being completed. Initial personnel allocations for the headquarter cities were made, followed by agent and prosecutor allocations in a second city in each region. We plan to continue to phase agents and prosecutors into the program during the Spring, and we will expect to be at full strength by the end of the Summer, which is precisely the schedule that we outlined in December.

ASSIGNMENT OF PERSONNEL

The agents and prosecutors being assigned are experienced agents and prosecutors. The vacancies those assignments create will be filled by newly recruited personnel, and many of them already have been selected and are in training. One of the program's important aspects is that it is case-oriented with no bureaucratic

excess. Here in Washington we have appointed a program administrator with a staff of three or four persons who are being detailed from various components of the Department. In each region, there is an Assistant United States Attorney task force coordinator with a staff of only two or three, depending on the size of the region.

PROGRAM PERFORMANCE

There will be careful monitoring of the task force effort by the Department and by participating agencies. The guidelines approved by the Attorney General will aid that process. Case assignments have also proceeded on schedule. At this point a total of 38 cases have been selected for task force investigations.

DRUG INVESTIGATION

Two major drug investigations have been selected for the headquarters city in each of the 12 task force regions. In addition, one major case has been selected in a second city within that region. Each of these cases is currently being investigated.

Let me stress that all of these cases are what our investigative agencies define as high quality cases, those involving major trafficking by major organized crime groups. The task forces will enhance existing Federal enforcement efforts against drugs and organized crime. The 12 new task forces are supplementing the FBI, DEA, Customs, and U.S. Attorneys' ongoing efforts against organized criminal groups dealing in drugs.

AUTOMATED SUPPORT

In performing their functions, these task forces will have available computers and automated data processing equipment, sophisticated communications capability, aircraft, and equipment for court-approved electronic surveillance, the tools that are necessary to dismantle the highly sophisticated drug trafficking apparatus that exists in our country today.

The 1984 request for the OCDE appropriations represents full year funding for the Department of Justice participation in the task forces. We anticipate having all authorized positions filled by the end of the current fiscal year, and will require sufficient resources for related personnel costs. No additional task force personnel are being requested in 1984, although the proposed budget does include an increase of \$6.8 million for automated data processing equipment, \$1.8 million for DEA and \$5 million for the FBI.

SEPARATE APPROPRIATIONS

The major difference between the Fiscal Year 1983 and the Fiscal Year 1984 requests is that in 1983, all funds for the program were included in a single appropriation. In 1984 the Administration is requesting separate appropriations for the Department of Justice and the Department of Treasury. The Attorney General will continue to have full responsibility for the program and will determine the level of participation required from the Department of the Treasury.

I am pleased to report to you that this entire effort has been marked by the utmost degree of cooperation among the participating agencies.

PRESIDENTIAL COMMISSION ON ORGANIZED CRIME

There is one new item in the proposed 1984 OCDE budget. The Administration is requesting an additional 20 positions, 19 work-years, and \$2,500,000 for the establishment of a Presidential Commission on Organized Crime. If approved, the President will appoint an organized crime commission composed of 15 distinguished Americans from diverse backgrounds and professions, with practical experience in criminal justice and in combating organized crime. The commission, which would continue for three years, will undertake a region-by-region analysis of organized crime's influence, assess the data it gathers, and hold public hearings on its findings.

Not only will the work of this commission lead to important legislative recommendations, but it will also heighten public awareness and knowledge about the threat of organized crime and mobilize citizen support for its eradication. While it is our belief that we at the Federal level have a degree of expertise regarding organized crime, we believe it is imperative to seek the opinions of other knowledgeable persons who may not presently be with the Federal Government.

CONCLUSION

In conclusion, I believe this Administration has made clear its commitment to attacking the drug trafficking problems we are presently experiencing. I am confident that the implementation and continued operation of the initiatives I have discussed today will have a significant impact on these problems. I want to acknowledge the continuing support of this Subcommittee and thank each of you for your interests in these endeavors.

[The prepared statement of Rudolph W. Giuliani follows:]

DEPARTMENT OF JUSTICE

STATEMENT OF THE ASSOCIATE ATTORNEY GENERAL
RUDOLPH W. GIULIANI
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON
THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE
JUDICIARY AND RELATED AGENCIES

Mr. Chairman and members of the Subcommittee, I am very pleased to be here today to testify before you for the first time in support of what is, perhaps the most important federal law enforcement initiative in recent times--the Organized Crime Drug Enforcement program. I would like to take this opportunity to express our appreciation for the support this committee provided in approving the funding for this program during the current fiscal year. It is gratifying to find that we share a mutual commitment to dealing with this urgent problem of paramount concern to all of us.

The Administration is requesting full-year funding for the Task Force initiative for 1984. The request for the Organized Crime Drug Enforcement appropriation totals 1,130 staff and \$105,949,000. This represents the full-year funding for the components of the Department of Justice which are participating in the Task Force effort. However, the President's total request for the Drug Task Force initiative is 1,630 positions and \$166,816,000. Approximately 500 positions and \$60.8 million of this total are included in other appropriations. Of this amount, \$28.0 million, which was in the OCDE account last year, is being requested for the FBI in 1984; and 500 positions and \$32,867,000 are requested directly by the Department of the Treasury to provide for participation in Drug Task Force activities.

Before going into the details of our request, I would like to take a few minutes to provide you with some background regarding the need for the Drug Task Force initiative and to describe the nature of the program.

As you know, Mr. Chairman, in recent years this nation has been plagued by an outbreak of crime unparalleled in our history and unequalled in any other free society. The perniciousness of crime in America has been fostered of late by two related developments. Crime has become increasingly organized. And organized crime has become especially lucrative because of the enormous market for illicit drugs. Drugs and organized crime have combined to wreak havoc in our communities and in our lives. The combination of drug trafficking and organized crime represents the most serious crime problem facing this country today. Directly or indirectly, it threatens each person and institution in this country.

There is no way to describe accurately the real nature and effect of the drug problem. The real costs are in human lives and human suffering. To obtain money for drugs, criminals commit huge numbers of offenses. There is a massive toll of violent crimes against innocent victims and an enormous toll of serious property crimes. Half of all jail and prison inmates regularly used drugs before committing their offenses. Some studies have indicated that 50 to 60 percent of all property crimes are drug-related. Researchers found in a study of 243

addicts in one city that they had committed a total of 500,000 crimes over an 11-year period.

Crimes now touches about one-third of all households in the United States every year.

The profiteers in this far-reaching pattern of human misery are the organizations in this nation which deal in drugs. The popular notion that the syndicate -- or traditional organized crime -- stays out of drugs is simply not true. Many of the syndicate's families have developed elaborate drug trafficking networks. Virtually every one of them is involved in drug trafficking in one way or another.

But the problem of organized crime today is by no means limited to its traditional form. In the past two decades, we have witnessed the emergence of new organized criminal enterprises dealing in drugs and the other rackets with traditionally had been controlled by the syndicate. These emerging groups have entered the drug business, often in competition with traditional organized crime.

Violence has become a way of life for the criminal organizations which deal in drugs. Judges, prosecutors, agents, witnesses and cooperating co-defendants have been threatened, assaulted and, in some instances killed. Violence is the primary tactic of drug trafficking organizations and money is their common objective.

Equally serious, we see public officials at all levels being corrupted by drug money. We have reports of rural sheriffs and

police officers accepting payments of \$50,000 or more just to "look the other way" while traffickers make a single landing at a makeshift airport. Recently we have experienced a situation where a reserve Coast Guard officer involved in drug interdiction in the SFTF was bribed to provide operational information to drug smugglers. The dollar amounts involved are so great that bribery threatens the very foundation of law and law enforcement.

The proceeds from drug sales also enable organized crime to carry out an array of other serious crimes, including the infiltration of legitimate business firms, money laundering and bank fraud which weaken key parts of the economy.

In a real sense, all of us have been touched in some way by the adverse effects of drug trafficking and drug abuse in the United States.

During the last two years we have recognized the full dimensions of the threat posed by organized crime and its involvement in drug trafficking. This Administration has implemented a series of initiatives to make more efficient use of our limited resources in the fight against drug trafficking and organized crime.

Early in this Administration, Attorney General William French Smith directed every United States Attorney to establish a Law Enforcement Coordinating Committee to assess the differing crime problems in each district throughout the Nation -- and to bring to bear a coordinated federal, state, and local effort against

the kinds of crime that are of greatest concern in each federal district. Despite local variations, every Law Enforcement Coordinating Committee -- except one -- has identified drugs as the chief crime problem in its district.

We have reorganized the Drug Enforcement Administration and, for the first time, have brought the FBI into the fight against the number one crime problem to complement the excellent work of the DEA. We have gained not only the FBI's resources, but also its many years of experience in fighting organized crime. In January of 1982, the FBI had less than 100 significant drug investigations underway. In January of 1983, the FBI had 1,115 -- nearly twelve times as many -- with about one-third being joint investigations with DEA.

Indeed, the FBI and DEA under Judge Webster and Acting Administrator Mullen have scored dramatic successes against organized crime. Working with the Justice Department's Organized Crime Strike Forces, the Bureau has helped to indict and convict numerous high-level members of syndicate families -- including the top structure of organized crime families in some cities.

As you recall, the Attorney General's Task Force on Violent Crime assessed the crime problem in this country and presented 64 recommendations to improve our federal effort. Approximately seventy-five percent of those recommendations have been implemented.

Additionally, the Department successfully sought Congressional enactment of an amendment to the posse comitatus law, so that we may now make appropriate use of military resources -- particularly tracking and intelligence capabilities -- in the fight

against drug traffickers. Through amendments to the Tax Reform Act, crucial information is more readily available to law enforcement -- and more tax cases are possible against drug dealers and organized criminals.

When this Administration took office, South Florida had become a focal point of drug-related violence and corruption. At the direction of the President, and under the auspices of Vice President Bush, personnel from the Departments of Justice, Treasury, Transportation and Defense have mounted a coordinated attack on drug smuggling and trafficking in South Florida. Our efforts in South Florida have achieved notable successes by slowing the flow of illegal drugs into South Florida and by galvanizing the community to a new degree of optimism about the drug problem and its associated violence.

To accomplish our initiatives in South Florida, however, law enforcement resources were shifted from other areas of the country -- and drug traffickers began to shift their routes toward those areas. Clearly, a national approach was needed. Many months ago, this Administration began drafting the initiatives to address the need for a national effort against drug trafficking -- an effort that incorporates new law enforcement resources, and recognizes the role of organized crime.

On October 14, the President and Attorney General Smith announced a comprehensive Eight Point Program that, in President Reagan's words, will "expose, prosecute, and ultimately cripple

organized crime in America." I want to discuss the central component to this important initiative with you today, and address where we are in the establishment of the Task Forces in 12 areas around the nation which will attack international and domestic drug trafficking and other organized criminal activity.

In December, the Congress appropriated \$127.5 million for the Task Force Program for the remainder of this fiscal year. It was a prompt and far-reaching decision in the public interest, and all of us in law enforcement are grateful.

Improving upon our experience with the South Florida Task Force, and recognizing the increasing organized crime involvement in drug trafficking, we have established 12 additional task forces in key areas in the United States. These Task Forces, under the direction of the Attorney General, will work closely with state and local law enforcement officials. Following the South Florida example, they will utilize the law enforcement resources of the Federal Government including the FBI, DEA, IRS, ATF, Immigration and Naturalization Service, the United States Marshals Service, the United States Customs Service and the Coast Guard. In addition, in some regions, Department of Defense tracking and pursuit capability will be made available.

These task forces will allow us to mount an intensive and coordinated campaign against international and domestic drug trafficking and other organized criminal enterprises. Thus, refining the South Florida model, they will target and pursue the organized criminal enterprises trafficking in drugs.

Several points emphasize the significance of these new Task Forces in the fight against organized crime and drug trafficking. Our program has provided the first major infusion of new agents into the FBI and DEA in about a decade. It means about a twenty-five percent increase in the number of agents devoted to drug work. The new Task Forces will complement the work of the Department's existing Organized Crime Strike Forces. Unlike prior federal drug efforts that focused on street level violators, our Task Forces will concentrate on destroying the top levels of organized drug trafficking. These Task Forces are a major new undertaking -- and they have the resources to match the significance of the undertaking.

The network of Task Forces cover the entire country. The areas covered by each Regional Task Force are as follows:

New England Region: Massachusetts, Maine, New Hampshire, Vermont, Connecticut, Rhode Island, Western and Northern Districts of New York. Headquarters: Boston.

New York-New Jersey Region: Southern and Eastern Districts of New York, New Jersey. Headquarters: New York City.

Mid Atlantic Region: Maryland, Virginia, Washington, D.C., Delaware, Eastern and Middle Districts of Pennsylvania. Headquarters: Baltimore.

Southeast Region: Georgia, North Carolina, South Carolina, Alabama, Middle and Eastern Districts of Tennessee. Headquarters: Atlanta.

Gulf Coast Region: Texas, Louisiana, Southern District of Mississippi. Headquarters: Houston.

South Central Region: Missouri, Arkansas, Oklahoma, Kansas, Western District of Kentucky, Western District of Tennessee, Northern District of Mississippi, and part of Illinois. Headquarters: St. Louis.

North Central Region: Indiana, most of Illinois, Wisconsin, Iowa, Minnesota. Headquarters: Chicago.

Great Lakes Region: Michigan, Ohio, West Virginia, Western District of Pennsylvania, Eastern District of Kentucky. Headquarters: Detroit.

Mountain States Region: Colorado, Utah, Nebraska, Wyoming, North Dakota, South Dakota, Idaho, Montana. Headquarters: Denver.

Los Angeles-Nevada Region: Nevada and Central District of California. Headquarters: Los Angeles.

Northwest Region: Washington, Oregon, Hawaii, Alaska, Northern and Central Districts of California. Headquarters: San Francisco.

Southwest Border Region: Arizona, New Mexico, Southern District of California. Headquarters: San Diego.

The South Florida Task Force will continue in existence and will cover Florida, Puerto Rico and the U.S. Virgin Islands.

On January 20, the Attorney General issued the Guidelines for The Drug Enforcement Task Forces. The Guidelines were developed

jointly by all of the agencies involved in the Task Forces, and they represent a high-water mark for federal law enforcement cooperation. A copy of the Guidelines is attached to my statement.

Significantly, the organization of the Task Force is now in place. The Task Forces are operational, and the program is on schedule.

Our total personnel allocations have been completed. Initially, personnel allocations for the headquarters cities were made, followed by agent and prosecutor allocations in a second city in each region. We plan to continue to phase agents and prosecutors into the program during the spring, and we will expect to be at full strength by the end of the summer.

The agents and prosecutors being assigned are experienced individuals. The vacancies those assignments create will be filled by newly-recruited personnel -- and many of them already have been selected and are in training.

One of the program's important aspects is that it is case-oriented -- with no bureaucratic excess. Here in Washington, we have appointed a program administrator with a staff of only three or four persons, who are being detailed from various components of the Department. In each region, there is an Assistant U.S. Attorney Task Force coordinator with a staff of only two or three.

There will be careful monitoring of the Task Force effort by the Department and the participating agencies. The Guidelines approved by the Attorney General will aid that process and ensure its integrity.

Case assignments have also proceeded on schedule. At this point, a total of 38 cases have been selected for Task Force investigations. Two major drug investigations have been selected for the headquarters city in each of the 12 Task Force areas. In addition, one major case has been selected in a second city in each region. Each of these cases is currently being investigated. All of the Task Force resources have now been allocated to those cities and cases, although there may yet be some further adjustments of agent levels.

Let me stress that all of these cases are what our investigative agencies define as high-quality cases -- those involving major trafficking by major organized crime groups.

The Task Forces will enhance existing federal enforcement efforts against drugs and organized crime. The 12 new Task Forces are supplementing the FBI, DEA Customs, and U.S. Attorney efforts directed against organized criminal groups dealing in drugs. The work of the Organized Crime Strike Forces and the South Florida Task Force will continue. We anticipate that the Task Forces will have close working relationships with state and local enforcement agencies.

In performing their functions, these Task Forces will have available computers and automated data processing equipment, sophisticated communications capability, aircraft, and equipment for court-approved electronic surveillance. The tools that are necessary to dismantle the highly sophisticated drug trafficking apparatus that exists in our country today.

As I have stated above, the 1984 request for the OCDE appropriation represents full-year funding for the Department of Justice participation in the Regional Drug Task Forces. We anticipate having all authorized positions filled by the end of the current fiscal year and will require sufficient resources for related personnel costs. No additional Task Force personnel are being requested in 1984 although the proposed budget does include an increase of \$6.8 million for automated data processing equipment -- \$1.8 million for DEA and \$5.0 million for the FBI.

The major difference between the FY 1983 and the FY 1984 request is that in 1983 all funds for the program were included in a single appropriation. In 1984, the Administration is requesting separate appropriations for the Departments of Justice and Treasury. The Attorney General will continue to have full responsibility for the program and will determine the level of participation required from the Department of the Treasury. I am pleased to report to you that this entire effort has been marked by the utmost degree of cooperation among the participating agencies.

We anticipate a continuation of the good working relationships which have developed between all the parties involved in this effort.

There is one new item in the proposed 1984 OCDE budget. The Administration is requesting an additional 20 positions, 19 workyears and \$2,500,000 for the establishment of a Presidential Commission on Organized Crime. If approved, the President will appoint an Organized Crime Commission composed of fifteen distinguished Americans from diverse backgrounds and professions with practical experience in criminal justice and combatting organized crime. The Commission, which would continue for three years, will undertake a region by region analysis of organized crime's influence, assess the data it gathers, and hold public hearings on its findings. Not only will the work of this Commission lead to important legislative recommendations, it will also heighten public awareness and knowledge about the threat of organized crime and mobilize citizen support for its eradication.

While it is our belief that we at the Federal level have a degree of expertise regarding organized crime, we believe it is imperative to seek the opinions of other knowledgeable persons who may not presently be with the Federal government.

In conclusion, I believe this Administration has made clear its commitment to attacking the drug trafficking problems we are presently experiencing. I am confident that the implementation and continued operation of the initiatives I have discussed today will have a significant impact on these problems. I want to acknowledge the continuing support of this Subcommittee and thank each of you for your interest in these endeavors. I will be pleased to answer any questions you may have.

CONTINUING RESOLUTION

Mr. DWYER. Can you briefly summarize for us how the initial appropriation of \$127.5 million that was provided in the Continuing Resolution has been used?

Mr. GIULIANI. Yes. The major bulk of that was to put together the 12 task forces that have now been established in each one of the core cities and in the other United States Attorneys' Offices that are in those regions. We have allocated positions for Assistant United States Attorneys, for the FBI, for the Drug Enforcement Administration and for each one of those agencies as well as bringing in the resources of the United States Marshals Service. We have allocated 12 positions, one for each of the task forces for the United States Marshals.

What we are going through now is what we call a phase-in period. Rather than just assigning all of the agents to the task force immediately, which is one option that we could have followed, we felt that it was more important to phase in the task forces so that we didn't take agents off of cases that they were presently working on or Assistant United States Attorneys precipitously off cases that they are presently working on, and move them into the task forces. During the course of the next four or five months, each one of the task forces will build up to full strength.

Right now, they are at about one-quarter of the strength that they will be at, let's say, by June or July, when they should be at very close to full strength.

The reason for that, as I have said before, is our concern that the resources of the FBI and DEA and the United States Attorney's Offices are presently in a situation where it is fair to say that they are strained. If we moved experienced agents and prosecutors off cases that they were working on into the task forces, and we want experienced agents, we would be sacrificing other important initiatives; therefore, we have planned a phase-in rather than immediate start-up of each one of the task forces.

FEDERAL PRISON EXPANSION

Mr. DWYER. The Fiscal Year 1984 request includes an increase of \$6 million for prison expansion in the Federal Prison System. The justifications further indicate that these funds would be used to provide an additional 340 bed spaces at three federal prisons or facilities. How was this additional need calculated, and how was the cost calculated?

Mr. GIULIANI. I can tell you how the need was calculated. I will ask Mr. Rooney if he can help me on how the cost was calculated. The need was calculated really over a period of two fiscal years, 1983 and 1984. We tried to approximate what these additional agents would mean in terms of numbers of cases brought into the system. We realized that the Federal Prison System was operating over capacity already before you added any additional agents or prosecutors, and we also realized that the kinds of cases we were going to be asking them to concentrate on are the kinds of cases where federal judges would be likely to give long prison sentences. We estimated what we believe to be, again it was a rough estimate, and a conservative one, the number of additional drug defendants

we would have over the course of the next year to two or three years, especially over 1983 and 1984, to try to build up the number of bed spaces that we would have available for those respective defendants.

Mr. DWYER. I just want to ask one question. Are these going to be new cells or are they going to be camps or additional or existing facilities? Where do you get the number 340?

Mr. ROONEY. The 340 beds, the Bureau of Prisons—

Mr. DWYER. Why do you use beds? Why don't you use cells?

Mr. ROONEY. Some are dormitories and some are two bed cells.

Mr. DWYER. Private cells and semi-private cells?

Mr. ROONEY. The Bureau of Prisons has a renovation rehabilitation plan which they have developed and which they keep modifying each fiscal year with respect to expansion of bed space, by renovation, rehabilitation camps, et cetera. These particular beds were moved up to fiscal year 1983 and 1984, the first group of beds or cells, that would open up through renovations at existing facilities. In some instances we just said single cells or dormitories or double bunking.

Mr. DWYER. Will this additional space be somehow reserved for prisoners arrested by the task force, or will it be used on a first-come, first-served basis?

Mr. GIULIANI. It will not be reserved necessarily for task force defendants. By increasing the overall capacity of the federal prison system, however, we would end up with additional space for task force defendants. It would be really impossible to reserve space for them.

JOBS BILL

Mr. DWYER. The jobs bill which was passed by the House and is under debate in the Senate, includes \$60 million for renovation and expansion of existing Federal prison facilities. Part of these funds are intended to accelerate renovation and expansion projects that were included in the Fiscal Year 1984 budget request. If the provisions in the jobs bill with respect to this item are enacted into law, will it be necessary to appropriate the \$6 million for the Federal Prison System expansion that you now have requested for Fiscal Year 1984?

Mr. ROONEY. I think we are talking probably about the same facilities. One of the difficulties with moving up some of the prison space is that some of it simply cannot be accomplished within that time frame, but I think the numbers are pretty much the same. We are talking here, with respect to renovation of existing facilities both through this appropriation and the Bureau of Prisons appropriation, about the same amounts in the version of the jobs bill that you are talking about.

Mr. EARLY. Would you yield for a question?

Mr. DWYER. Just a moment Mr. Early.

If you need the space so badly, the inclusion in the Jobs Bill would accelerate and satisfy your need, if indeed the Jobs Bill ultimately passes.

Mr. ROONEY. There are two things to consider. The answer to that question would be yes, but the things that take time for us

are, first, site acquisition, because we are talking as we were this morning with the Attorney General about the two new Northeast Federal corrections institutions, where we have been having some difficulty in finding locations.

Then, secondly, once we find a location, we run into additional issues, such as the environmental impact statements. We are not saying that we don't want to move up the resources to get them as soon as possible. However we are not very confident that we can get the facilities up and running more quickly.

Mr. DWYER. Mr. Early.

USE OF INMATES FOR RENOVATIONS AND REHABILITATION

Mr. EARLY. Mr. Rooney, are you requesting permission to use inmate labor for renovations and new construction in this budget?

Mr. ROONEY. I am not certain that we have any language in there for that.

Mr. SHAFFER. Inmates are used primarily in minor projects around existing institutions, modification of walls or something. They generally don't use them in major construction.

Mr. EARLY. I thought I saw language in the request to that effect. Why wouldn't inmate labor be used in renovations, painting, washing?

Mr. SHAFFER. They use them to a certain extent. I think Mr. Carlson probably could better answer this, but at an institution, inmate time, labor, et cetera, is dispersed among training programs designed to rehabilitate the inmates. Inmates are used often for, as you say, painting, replacing walls and that kind of thing, but there is just so much of that that they can do.

Mr. EARLY. We seem to do this with schools, too. We buy a school that has existed for a hundred years and it is donated to the State as property. It was a private facility, but it is not safe. Those who are going to live in it should renovate it.

Mr. SHAFFER. Most of these expansion projects are talking about actually building new housing, dormitories, et cetera. As I say, it is not really appropriate to use inmates. Inmate labor is not used in those kinds of projects.

Mr. ROONEY. We don't like to have the inmates build the walls.

Mr. EARLY. But a cost per cell of \$68,000 is absolutely prohibitive.

Mr. NEILL. Many of the inmates are not well-trained as electricians, plumbers, builders.

Mr. EARLY. I would like to find out what kinds of skills we have got among inmates. We must have electricians, and plumbers.

Mr. SHAFFER. Not very many of them. Most of these people have sixth and seventh grade educations.

Mr. EARLY. You could train them.

Mr. SHAFFER. That is true.

DEA AUTOMATED SUPPORT

Mr. DWYER. The fiscal year 1984 request includes an increase of \$1.8 million for DEA automation. The justifications indicate that this sum would be used to redesign and redevelop DEA automated systems under a data base management system. There is already

\$4 million in the base of this appropriation for DEA automation. What would those funds be used for, and shouldn't a portion be used for this redesign and redevelopment?

Mr. ROONEY. Those funds are being used, the ones requested out of this appropriation. What we have done basically is to calculate the support for the organized crime drug enforcement efforts that those systems would contribute, and, in other words, have the most effective and up-to-date data on the task force operations. Those DEA systems would need to be upgraded much more quickly than under usual procedures, and so we are funding that out of this particular appropriation in support of the task force effort.

Mr. DWYER. Why do you need an increase? Couldn't you just do it out of the \$4 million? You are asking for a \$1.8 million increase.

Mr. ROONEY. In 1983 we asked for \$4 million, and the total cost estimated for 1984 would be \$5.8 million, a \$1.8 million increase. The \$4 million, in other words, is not enough to upgrade those DEA systems necessary to support the effort in 1984. The total cost over two years is over \$10 million, the \$4 million plus the \$5.8 million.

Mr. DWYER. Would that complete the job, the \$10 million?

Mr. ROONEY. It is now anticipated that now there would probably be some costs which would have to go into operational costs as we get into fiscal year 1985, but these are system refinements that would cost in effect \$10 million, which we are splitting up between the two years.

Mr. DWYER. Why don't you provide for the record, Mr. Rooney, exactly what this system refinement will do, with explanations as to how you are approaching it?

Mr. ROONEY. We will be glad to do that.

[The following information was submitted:]

Clarification of DEA ADP System Refinements

The \$4 million in ADP resources approved by Congress in 1983 for refinement of DEA systems are being applied in a number of ways. Primarily, \$2,800,000 will ultimately provide for the replacement of DEA Teleprocessing Systems (DATS) equipment (\$2.4 million) and the expansion of DATS overseas (\$.4 million). The DATS equipment is no longer produced by the manufacturer and has become almost impossible to maintain. The replacement of this equipment is essential for the effective information processing necessary in the pursuit of complex investigations. Also, the expansion of DATS to 17 overseas locations will complete the link with DEA agent and intelligence personnel overseas through on-line access to DEA systems. An additional \$1,200,000 provides resources for the expansion of PATHFINDER (\$.550 million) - a component of the National Narcotics Intelligence System - as well as for the installation of an associative processor (message processor) (\$.650 million) at the El Paso Intelligence Center (EPIC). The expansion of PATHFINDER involves the installation of PATHFINDER terminals, with required multiplexors, data encryption, printers and circuits in 14 Field Divisions which are not now equipped, giving priority to those offices involved in Task Forces investigations. Though the 1983 costs include installation of the new equipment as well as recurring lease costs for the remainder of 1983, \$4.0 million will remain in the base to be available for full year lease costs for operating these systems in 1984 and beyond.

As discussed above, DEA ADP system refinements with concentration on hardware acquisition will occur in 1983. The addition of \$1,800,000 is required in 1984 to complete the system modernization measures begun in 1983. Though some hardware acquisition will undoubtedly occur in 1984 and some software system redesign and redevelopment will begin in 1983 all of the ADP enhancements will occur as justified in the 1983 and 1984 budget requests.

The redesign and redevelopment of DEA automated systems under a Data Base Management System (DBMS) is the cornerstone of the system modernization effort. The successful implementation of the DBMS will provide significantly increased retrieval capability for specific DEA data bases. This involves standardization of software, data elements, and query procedures. The \$1.8 million in 1984 will allow DEA to make such refinements to the Narcotics and Dangerous Drug Information System (NADDIS) (\$.600 million); the System to Retrieve Information from Drug Evidence (STRIDE) (\$.250 million); Controlled Substances Act System (CSA) (\$.350 million); and, will allow the implementation of DEAWORD and DEASOURCE (\$.600 million) which incorporates word processing support and an information exchange capability under an office automation concept.

These measures will ensure that the wealth of information contained in NADDIS and other DEA information systems will be increasingly made available to the Task Forces. The resources appropriated for these purposes under the OCDE program augment those provided to the DEA for automation support systems which DEA has been developing for many years. However, the systems for which funding has been requested through the OCDE program are those of particular importance to the Task Force effort.

FBI AUTOMATED SUPPORT

Mr. DWYER. The fiscal year 1984 request also includes an increase of \$5 million for FBI automation. The justifications indicate that these funds would be used for implementation of the field offices information management system and the organized crime information system. However, the FBI's budget request also includes \$38.4 million, part of which would be used for implementation of these same projects. Can you explain why you are requesting funds for these projects in two separate appropriations?

Mr. ROONEY. Yes, Mr. Chairman. The monies that are requested as part of the FBI appropriation relate to the planned FBI implementation of the field office information management system, which provides the types of management investigative support data to all of the field offices within the FBI.

What we have done here, in other words, is to accelerate the implementation of those systems to support directly the task force cities, and thus get the kind of investigative information support data to the task force participants in the FBI, which would in turn be available throughout the network of task forces. We have asked for the money as part of this particular program, because, frankly, that is exactly what those resources would be used for, to support the task forces. It is a base FBI system that is being installed around the country and is just being installed in the Northeast. If we are going to accelerate it to make it most useful to run these operations, we would have to ask for an acceleration of that.

Mr. DWYER. Mr. Early.

Mr. EARLY. Thank you, Mr. Chairman.

TASK FORCES AND STAFFING

Mr. Giuliani, there are 12 task forces?

Mr. GIULIANI. Yes.

Mr. EARLY. When they are fully manned, how many people will be on the staff?

Mr. GIULIANI. About 1200 agents and 360 U.S. Attorney positions, about 200 of whom are prosecutors, and 160 are staff.

Mr. EARLY. Each task force is going to have over 100 agents?

Mr. GIULIANI. They won't be equally divided among the 12 task forces. They will range from approximately 60 to 80 agents at a low to 120 agents at a high, depending on the region.

ORGANIZATION OF TASK FORCES

Mr. EARLY. When were these 12 task forces organized?

Mr. GIULIANI. They were organized as a proposal by the President in October, I believe, submitted here at the end of November and approved for fiscal year 1983 in December. We began implementing the proposal in about mid-January, and we have gotten to the point now where we are at about a quarter strength.

Mr. EARLY. We have only 400 aboard, 400 positions filled out of 1600?

Mr. GIULIANI. It isn't a question of really getting them aboard. It is a question of assigning people to the task forces.

Mr. EARLY. You said in your statement that you didn't want to take agents away from their usual work.

Mr. GIULIANI. Right.

Mr. EARLY. How many of the 1200 are new agents?

Mr. GIULIANI. None of the agents in the task force is a new agent. We have given the FBI authority——

Mr. EARLY. Of the 1200 agents who will serve on these 12 task forces, there are no new agents?

Mr. GIULIANI. That is absolutely correct.

Mr. EARLY. You are supplanting agents who are assigned to the task forces, aren't you?

Mr. GIULIANI. That is right. It would be unwise to take a rookie agent who has no experience in wiretapping, has no experience in investigating organized crime or drug trafficking, and put him into this kind of a task force that is geared to the highest levels of drug trafficking and organized crime.

Mr. EARLY. We are not increasing our fight against crime though. We are taking 1200 agents who were in other agencies and putting them together.

Mr. GIULIANI. No, that isn't right. We are increasing the overall size of the FBI, DEA, the U.S. Attorneys, by whatever number they have contributed to the task forces, so they back fill the position. If I could explain it——

Mr. EARLY. Are you an agent?

Mr. GIULIANI. No. I am a lawyer.

Mr. EARLY. You sound like one. Twelve hundred agents?

Mr. GIULIANI. Right.

Mr. EARLY. Twelve hundred agents for the task forces?

Mr. GIULIANI. Right.

Mr. EARLY. You are taking them all out of the current force?

Mr. GIULIANI. They are hiring 1200 new agents, so we are increasing the size of the respective agencies.

Mr. EARLY. I evidently didn't ask the question right. There are going to be 1200 new agents?

Mr. GIULIANI. That is right, but they will not be assigned to the task force.

SOUTH FLORIDA TASK FORCE

Mr. EARLY. I would think we could do this more quickly. The Florida task force is one of the ones in existence, isn't it?

Mr. GIULIANI. Yes, but it is not one of the twelve funded by this appropriation.

Mr. EARLY. I would suspect from all I have read that they must almost be at full complement by now.

Mr. GIULIANI. South Florida is.

Mr. EARLY. So of the 400 we have on board, maybe 50 percent of them are in Florida.

Mr. GIULIANI. No. None of the 400 agents in the twelve drug forces is in Florida. All agents are taken from different places. Let me tell you why we can't go any more quickly. This was planned out very carefully in advance, and it was decided to do it this way, and we are right on schedule.

The reason for the additional agent manpower is that the FBI, DEA, and the other agencies are pretty well strained, so that if we moved experienced agents into the task force too quickly, they would have to drop cases that they are presently working on, and those cases couldn't be turned over to other agents. We are moving as quickly as we can, consistent with safeguarding momentum on other cases.

TRAINING OF NEW AGENTS

Mr. EARLY. How many of the new 1200 agents are in training?

Mr. GIULIANI. I don't think I have the exact number. I don't know exactly how many are in training right now. I know the FBI has hired additional agents. My recollection is, I looked at the sheet at 11 o'clock this morning and forgot to bring it with me, the number is in the area of a couple of hundred.

Mr. EARLY. How long does it take a class of FBI agents to complete your training program?

Mr. GIULIANI. It is averaging 30 days from the day the FBI sends an appointment letter to someone until he or she enters the training program which is 16 weeks long.

Mr. EARLY. So you have to wait until this class completes its training in order to start another class?

Mr. GIULIANI. No, sir.

Mr. EARLY. When will the next class begin?

Mr. ROONEY. They are starting a class every other week at Quantico, and they are starting classes for DEA and the other agencies, Treasury agencies, down at the training center.

Mr. EARLY. When will you hire these 1200 new agents?

Mr. GIULIANI. By the end of the Summer.

Mr. EARLY. By the end of the Summer. In the FY 84 budget, how long are these 1200 new agents budgeted for? For a full 12 months?

Mr. GIULIANI. In the 1984 budget, they are budgeted for a full 12 months, because they will all be on board by the beginning of Fiscal Year 1984.

Mr. EARLY. They will all be on board by October 1?

Mr. GIULIANI. Yes.

U.S. ATTORNEYS

Mr. EARLY. What is the role of the U.S. Attorney in the task force?

Mr. GIULIANI. The U.S. Attorney is the coordinator of the task force.

Mr. EARLY. Is he the Chief?

Mr. GIULIANI. Coordinator is the word that we use to describe his role. Since all the cases have to go through the United States Attorney's office for prosecution, he is the person that is the focal point. He makes the initial decision as to what cases are taken into the task force. He also makes the decision as to what cases get prosecuted.

Mr. EARLY. It seems to me that the U.S. Attorneys have become more politically motivated in the past couple of years than they have ever been. In my own state, U.S. Attorneys are trying people in the newspapers every other day. I think that is wrong.

So the U.S. Attorney is the one who is in charge of the Task Force?

Mr. GIULIANI. He is the coordinator. He is not in charge, since the FBI, DEA, Customs, et cetera, will be running their agents. He is in charge of the cases, since all the cases have to be prosecuted through his office, and each one of the U.S. Attorneys in what we call the core cities, the 12 cities, has designated an Assistant United States Attorney to be the full-time person who will run the task forces.

Mr. EARLY. Will the agents in a specific task force ever set up some type of scam? Would they organize and execute an operation or would they have to run it by the U.S. Attorney?

Mr. GIULIANI. They would have to run it through the U.S. Attorney, but that would be the case even if there were no task forces. You couldn't do a major investigation without the United States Attorney's approving it, whether it be done by the FBI, or DEA, so that is no different. Because of the task forces, the U.S. Attorney takes over no additional power.

Mr. EARLY. Let me ask you one other question. How long will it take for these 1200 new agents to gain the comparable experience of the agents that you transferred?

Mr. GIULIANI. I hope that can be done immediately. That is going on right now. August would be our outside date.

Mr. EARLY. Each task force is a lifetime group?

Mr. GIULIANI. Certainly for the foreseeable future. I can't say lifetime. I hope the problem will diminish over a period of time.

REDUCTION IN OVERTIME

Mr. EARLY. With 1200 new agents, do you expect any reduction in overtime?

Mr. ROONEY. No. The uncontrollable overtime would increase or decrease in proportion to the number of agents who are qualified to earn it.

Mr. EARLY. Do you have a list of 1200 agents now or are the agents picked from agency lists?

Mr. ROONEY. We are talking here about agents from the FBI, DEA, Customs, IRS and ATF. All of these agencies have lists of candidates for agent classes who can be notified that they have been accepted. Usually 30 days, I think, is the notice that they are given for reporting to a class.

In some instances, you will lose people between that time. Qualified candidates, who have said that they are interested, may have taken or may be interested in taking other positions elsewhere, so there is some lag time there. That is one of the concerns.

ACCOUNTABILITY OF TASK FORCE FUNDS

Mr. EARLY. A final question. What is the procedure for allocating money to each task force? Is funding transferred from you to them? Who is accountable?

Mr. ROONEY. There are several agencies participating, including the ones I mentioned, the United States Attorneys, et cetera. There is one central appropriation which is under the Department's control. Mr. Giuliani is the allottee of that appropriation. Once the At-

torney General has allocated the requisite numbers of agents, for example, 220 from IRS, the IRS and the Department enter into a reimburseable agreement for those resources, salaries, and expenses to support those resources.

Mr. EARLY. It sounds like a complicated system.

Mr. ROONEY. Not really very complicated, no.

Mr. EARLY. Are you going to be responsible for accountability, Mr. Giuliani?

Mr. GIULIANI. The Associate Attorney General will be, yes.

Mr. EARLY. What about the DEA? You feel that you will be able to call the DEA and ask them what they did with X-number of dollars?

Mr. GIULIANI. Yes.

Mr. EARLY. And they are going to tell you?

Mr. GIULIANI. So far they have. I have worked with DEA for years, and have never had a problem.

Mr. EARLY. What about Treasury?

Mr. GIULIANI. We work very closely with Treasury. I can't imagine that we would have a problem.

Mr. EARLY. You don't anticipate trouble with accountability?

Mr. GIULIANI. Any complex organization—

TOTAL COST OF TASK FORCES

Mr. EARLY. What is the total cost of the 12 task forces?

Mr. GIULIANI. The total cost of the 12?

Mr. EARLY. Yes.

Mr. ROONEY. The total cost of the effort?

Mr. EARLY. Yes.

Mr. ROONEY. The \$182 million that Mr. Giuliani and I referred to. Specifically of the task forces? For law enforcement in 1984, this would be DEA and FBI, in the Justice Department \$69.6 million. For prosecution, which is the United States Attorney's, principally, \$17.6 million. There is \$16 million that we were discussing earlier for corrections, \$2.7 million, which includes the organized crime commission, for policy and management, and there is \$48.9 million in the Treasury budget, which includes \$32.3 million for the agent workyears, the 500 agent workyears that we have talked about, and \$16 million for airwing support in the Customs Service—the latter funds are indirectly in support of the task forces. The total of \$48.9 million is within the Treasury appropriation.

Mr. EARLY. Mr. Giuliani, you are requesting a staff of 1130 at a cost of \$106 million. You also say that you want to increase that staff by 500 positions, which is roughly 50 percent of 1130. You want to add almost \$61 million for the additional 500. What is the additional expense for? I would think that the expense would diminish?

Mr. ROONEY. There may have been some confusion there. When we say an additional 500 positions, it doesn't mean that we are asking in 1984 for an additional 500 agents. What that statement refers to is that in addition to the 1,130 positions in the Department of Justice, there are 500 additional positions from Treasury, but those are agents that will be brought on board during this fiscal year.

Mr. EARLY. Do they get paid one and a half times as much as agents from the Department of Justice?

Mr. ROONEY. No. That also includes the airwing support that I was talking about, but we are talking also about a full year of costs.

Mr. EARLY. Mr. Rooney, why isn't the airwing expense included in the initial expense for the first 1,130?

Mr. ROONEY. We are talking there strictly about people. There are some other support costs. The 1,130, let me make sure I get all these numbers, is the Justice Department portion. The 500 are Treasury, and the difference between when we talk about increases for 1984 is that this year, that is in the 1983 fiscal year, we are talking about less than a full year of staffing.

In fact, in the current year the personnel costs average out to about five or six months of salaries, whereas in 1984 we are talking about salaries for a full year for all 1,100 in Justice and all 500 in Treasury.

Mr. EARLY. In your statement, the request for organized crime is for 1,130 positions and \$105 million, "however, the President's task force initiative is 1,630 positions and \$166.8 million." That is exactly a 500 increase.

TREASURY DEPARTMENT FUNDING AND POSITIONS

Mr. ROONEY. Mr. Early, what page is that of the statement?

Mr. EARLY. I am looking at the first page of the statement.

Mr. ROONEY. The total request for the regional drug task forces is 1,630 positions and \$182 million. Of this, 500 positions and \$76.8 million referred specifically to the 500 agents requested in Treasury appropriations. The cost of the positions is \$32 million. There is \$16 million in Treasury for Customs airwing support. There is also \$28 million in the FBI for voice privacy, which was initially funded in 1983 out of this appropriation, but which now is being transferred into the base of the FBI operations, because that voice privacy network, which prohibits others from listening in to our communications, will affect the entire Bureau. That amount of funding will affect all FBI operations.

Mr. EARLY. Thank you, Mr. Chairman.

DRUG INVESTIGATIONS

Mr. DWYER. Mr. Giuliani, I was reading your statement, and on page 11 you say, "Two major drug investigations have been selected for the headquarters city in each of the 12 task force areas. In addition, one major case has been selected in a second city in each region." Isn't that kind of telegraphing what you are all about and so on, to someone?

Mr. GIULIANI. I don't understand.

Mr. DWYER. How did you pick the two major cases, say in a given task force city? With local help, local police forces?

Mr. GIULIANI. We asked the agency and the U.S. Attorney to submit to my office a group of cases that they were working on or at least had specific information about. A committee, chaired by David Margolis, who runs the Organized Crime Section of the Justice Department and is here today, as well as representatives of

each of the agencies, FBI, DEA, the Treasury agencies, went through each one of the cases that was submitted, for each one of the regions. The committee tried to select two cases for each of the regions that would best fit the task force guidelines.

In other words, cases that allowed penetration of organized groups dealing in drugs, and preferably cases that would involve joint operations were chosen. A case that would involve FBI, DEA and Customs working together would be a better case for inclusion in the task force, than a case that would just be DEA or FBI working alone. The reason we did that carefully at the beginning was to try to set a standard, deliberately, in advance of the kinds of high level cases that we wanted the task forces to be working on, so that they didn't just slip off into doing the first thing that came along. We set the same standard for an additional city in each one of the regions.

Now, we have selected a task force coordinator. It is the job of the task force coordinator to select the cases in each region. Having gone through this deliberate process at first, and also by having worked out guidelines that set forth general rules, we hope that we have provided guidance concerning the kinds of high level cases we want them to be working on. They will now be selecting the cases regionally, and we will monitor that process. We will not be making the case decisions here in Washington, but we thought it was important at first, in those first two months, that at a high level here in Washington we select the type of case they should begin working on.

One of the things that Director Webster was very concerned about, in forming these task forces, was that in the past he believed that other task force efforts involving the FBI had failed because they set up a task force, put it in an office and told them to go out and find cases. Sometimes they would work, sometimes they wouldn't work and sometimes they would be working on things that were just entirely inappropriate. The Attorney General shared Director Webster's concern and insisted that we start the task forces out with cases, as examples of the kind of work we wanted them to do. Our monitoring efforts will be easier later, and I believe that is working pretty well.

Mr. DWYER. You used the phrase, "high level," a number of times, but in the statement you use the phrase, "high quality." Are they interchangeable?

Mr. GIULIANI. In the way I have used them, yes, they are.

Mr. DWYER. If I understand what you are trying to do then is to go out and have a meaningful eradication of a major distribution system in a given area, not what might have happened in the past where you go out and sweep up all the pushers from the street and the street is clean for a couple of weeks and then it starts all over again?

Mr. GIULIANI. That is exactly right, Mr. Chairman.

PRESIDENTIAL COMMISSION ON ORGANIZED CRIME

Mr. DWYER. The other part of the statement that interests me is where you state that an attempt will be made to mobilize citizen support for the eradication of drug dealers? Don't you think that

this Nation is indignant, and do you think the President is really responding to that indignation by forming these task forces?

Mr. GIULIANI. Yes, I do.

Mr. DWYER. Why aren't we better off spending that \$2.5 million hiring some more agents rather than putting the paddle on display?

Mr. GIULIANI. The value of a commission could not only be to expose the kind of organized crime that we know a good deal about. I have been involved in prosecuting for 10 or 12 years what I would regard as a traditional organized crime. I am fearful that there are new groups that are emerging in the organized crime area that we know very little about, both the public knows very little about and law enforcement knows very little about. We have a great deal of experience with the old traditional organized crime groups, and they have gone through Kefauver committee hearings and McClellan committee hearings and public exposure. We don't know a great deal, or at least not as much as, about motorcycle gangs that now operate throughout the United States, the Columbia drug groups that bring massive amounts of cocaine into the United States, and any number of other groups that are emerging and are going to be the principal organized crime problem 10 or 15 years from now.

A commission like this could serve a very important public service in, number one, assessing where we are on traditional organized crime, and then, number two, gathering information and pointing the way toward more efforts in the area of emerging groups that are involved now in the drug business, in extortion, and in all forms of organized criminal activity. I think that is what their value could be.

It is very hard for me to choose between a commission and more agents. Being a former prosecutor, I have a very hard time saying that anything is better than more agents.

Mr. DWYER. I don't think you would have to mobilize public opinion against the President or cycle against either incidentally.

Thank you.

FEDERAL, STATE AND LOCAL COOPERATION

Mr. EARLY. Mr. Chairman, may I ask a question?

Mr. Rooney, as far as local, State and Federal cooperation, we had a case in Massachusetts in which thousands of pounds of marijuana were confiscated. The State Police didn't have enough help to handle it, and the evidence was stolen from the State Police. I am sure you are familiar with the case. Recently New Bedford, a small community, had a big drug bust in which they seized two truckloads of marijuana. These people are operating on a very small budget. Legally, they can't get rid of the marijuana. They have to guard these two trucks, and that is costing them almost fifty thousand dollars. Why wouldn't the Feds cooperate with them or participate more?

Mr. GIULIANI. I don't know the answer to why there wasn't the correct amount of participation or cooperation in that case. That is a problem that concerns—

Mr. EARLY. I can't believe that the Feds wouldn't want to cooperate.

Mr. GIULIANI. That is a problem that concerns me daily, the problem of cooperation with State and local law enforcement. It is something we have tried to work on very, very hard over the last two years. We have set up law enforcement coordinating committees in 94 districts intended to bring in State and local law enforcement agents to sit down with our federal agents.

Mr. EARLY. How would you improve cooperation, Mr. Giuliani?

Mr. GIULIANI. Working together on cases as well as looking at the overall group of penalites—

FEDERAL FUNDING AND COOPERATION

Mr. EARLY. Let's take that even further.

Money.

Mr. GIULIANI. No, I don't agree with you. Mr. Early, that money is cooperation. I don't agree with you.

Mr. EARLY. In the case that you mentioned, the local officials couldn't guard the evidence for lack of money.

Mr. GIULIANI. Frankly I think money is application, not law enforcement cooperation.

Mr. EARLY. If you had assumed the responsibility of guarding that evidence, it would have freed the local people. Cooperation is money in a lot of cases. You don't want to give them any money, or, the Federal Government doesn't. I should think that would be a one of the Federal Government's rules. You want Task Forces to fight drug trafficking. The State confiscates the drugs and has to keep the evidence. I don't understand why Federal agents wouldn't come forward and help them.

Mr. GIULIANI. We have different responsibilities in law enforcement. If the Federal Government could assume all of the responsibility for law enforcement, that would be one thing, but we don't want that.

Mr. EARLY. I don't want that either.

Mr. GIULIANI. Of course not.

Mr. EARLY. I think the localities and States enforce the law as well as the Feds do.

Mr. GIULIANI. I agree with that completely, but that means that the local and State governments have to also bear a very, very big share of the burden of funding their own operation. The Federal Government can't take over responsibility for everything working right or wrong at the State and local levels.

Mr. EARLY. I don't want you to take over law enforcement. I want you to take over more of it.

Mr. GIULIANI. If I may finish. In my view, with the Federal Government kind of partially being involved in it, you give the State and local law enforcement people, particularly those involved in the politics of it, the opportunity to point responsibility to the Federal Government constantly. Sometimes that is fair. Sometimes that is appropriate and sometimes the Federal Government makes mistakes. At times, though, State and local law enforcement makes mistakes, does terrible things. They are involved in corruption and

all sorts of other things, and they point the responsibility to the Federal Government, and it is not always one-sided.

Mr. EARLY. I don't think it is one-sided.

Mr. Rooney, do you have any programs that would afford a local community like New Bedford money to guard confiscated drugs?

Mr. ROONEY. No, we really don't. To afford money, the only thing that would be included is the State and local money for participation with the local authorities that is included in this particular program. There is about \$3 million, I believe.

Mr. NEILL. There is approximately \$3 million in that budget that we are discussing at the moment to be used in joint task force cases. It can be used, for example, for things such as paying overtime for local police who are working in coordinated cases of the type that Mr. Giuliani discussed.

DISPOSITION OF SEIZED DRUGS

Mr. EARLY. For confiscated drugs, there isn't a law that makes the Federal Government responsible?

Mr. NEILL. We have a terrible time keeping our own. It is a terribly expensive proposition. In South Florida we have had to build an entire incinerator down there. It is a very expensive proposition for us, also.

Mr. EARLY. Have you gotten involved with EPA?

Thank you, Mr. Chairman.

Mr. DWYER. We have some questions that we will submit to you and ask you to supply answers for the record.

Thank you, Mr. Giuliani and Mr. Rooney, for your appearance here today.

[The questions referred to and the answers follow:]

QUESTIONS SUBMITTED BY MR. SMITH

Jobs Bill

QUESTION:

The Jobs Bill includes \$30,000,000 in additional resources for the Cooperative Agreement Program for fiscal year 1983. If this provision of the Jobs Bill is enacted into law, will it be necessary to appropriate the \$10,000,000 requested for this program for fiscal year 1984?

ANSWER:

No, it will not be necessary. The Office of Management and Budget is preparing amendments reflecting enactment of the Jobs Bill. These amendments will advance the \$10 million originally requested for 1984 into 1983.

Organized Crime Drug Enforcement

QUESTION:

The justifications on page 2 indicate that separate appropriations for Department of Justice and Treasury components of the task forces are desirable. All components of the task forces were funded from one appropriation last year. Why is the Administration proposing separate appropriations this year?

ANSWER:

The Administration has requested separate appropriations for the narcotics task forces in 1984 for two reasons. First, as stated in the justifications, the Organized Crime Drug Enforcement effort has been characterized by the greatest possible degree of cooperation between all of the participating agencies, indicating that separate appropriations would be a viable alternative to the single appropriation originally requested. Second, the single appropriation has presented some difficulties to agencies in the Treasury Department particularly in regards to hiring of new personnel to back fill positions transferred to task force activities. The Treasury Department believes that these problems could be avoided by providing the resources directly to Treasury, i.e., the Internal Revenue Service, the U.S. Customs Service and Bureau of Alcohol, Tobacco and Firearms without posing any difficulties to the Attorney General's management of the task force effort.

QUESTION:

The term "high-level trafficking" is used throughout the justifications for this budget request. How do you define that term -- is there a cutoff of some kind below which you would not allocate resources to an investigation or prosecute a case?

ANSWER:

The term "high-level trafficking" generally has been used to denote narcotics activities involving major drug trafficking organizations. Such organizations include any of the following types of groups where a sizable number of individuals is involved in the trafficking or there are large actual or potential profits gained from the trafficking:

- Traditional organized crime figures, to the extent that such matters are not being worked already by Strike Force personnel, and, in any case, in coordination with the Strike Force office with responsibility for the district;
- Major outlaw motorcycle gangs (e.g., Hells Angels, Pagans, Outlaws or Bandidos);
- Other organized criminal groups (major street gangs, prison gangs, and similar groups);
- An organization that is importing and/or distributing large amounts of controlled substances, or is financing the foregoing; or
- Physicians or pharmacists illegally dispensing substantial quantities of prescription drugs.

The preceeding are general standards for the types of cases that may be accepted as task force cases. Each core-city United States Attorney, in consultation with his or her Advisory Committee, may establish more specific criteria (such a minimum quantities of a given substance) to be applied within a task force area. However, there is no set national level establishing minimum quantities below which resources would not be allocated.

THURSDAY, MARCH 17, 1983.

FEDERAL PRISON SYSTEM

WITNESSES

NORMAN A. CARLSON, DIRECTOR, BUREAU OF PRISONS

WADE B. HOUK, ASSISTANT DIRECTOR, DIVISION OF PLANNING AND DEVELOPMENT

GERALD M. FARKAS, ASSOCIATE COMMISSIONER, FEDERAL PRISON INDUSTRIES, INC.

ALAN F. BREED, DIRECTOR, NATIONAL INSTITUTE OF CORRECTIONS

LUMAN N. RENSCH, JR., CHIEF, OFFICE OF BUDGET DEVELOPMENT

DAVID J. SWEDA, BUDGET OFFICER, OFFICE OF BUDGET DEVELOPMENT

KEVIN D. ROONEY, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION

CHARLES R. NEILL, CONTROLLER

JOHN R. SHAFFER, DIRECTOR, BUDGET STAFF

Mr. EARLY [presiding]. The Committee will come to order.

Today we shall consider the 1984 budget request for the Federal Prison System. Requests for the three appropriation items total \$535,070,000, an increase of \$130,304,000 above the amount provided for fiscal year 1983.

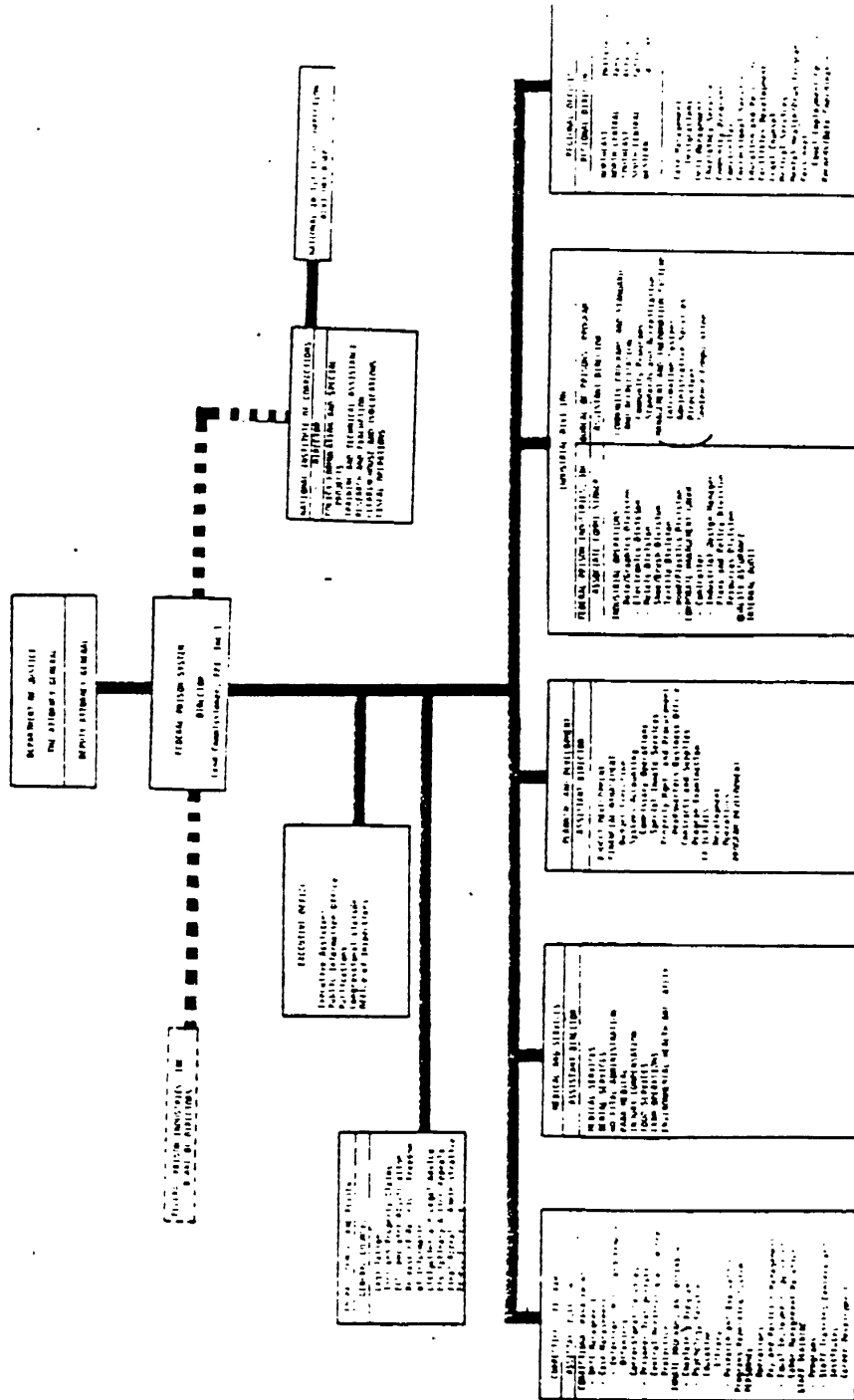
The amounts requested for fiscal year 1984 for the individual appropriation items are as follows: "Salaries and Expenses," \$426,263,000; "Buildings and Facilities," \$97,142,000; and "National Institute of Corrections," \$11,655,000.

[Subsequent to the hearing, a budget amendment was submitted which reduced the fiscal year 1984 request for "Buildings and Facilities" to \$43,142,000.]

We shall insert at this point in the record the justification material submitted in support of each of these budgets.

[The justification materials follow:]

FEDERAL PRISON SYSTEM



Agreement

Federal Prison System

Proposed Authorization Language

The Federal Prison System is requesting the following authorization language:

For the Federal Prison System including-

- (A) for the administration, operation, and maintenance of Federal penal and correctional institutions, including supervision and support of United States prisoners in non-Federal institutions, and not to exceed \$100,000 for inmate legal services within the system;
- (B) purchase and hire of law enforcement and passenger motor vehicles;
- (C) compilation of statistics relating to prisoners in Federal penal and correctional institutions;
- (D) assistance to State and local governments to improve their correctional systems;
- (E) purchase of firearms and ammunition and medals and other awards;
- (F) payment of rewards;
- (G) purchase and exchange of farm products and livestock;
- (H) construction of buildings at prison camps and acquisition of land as authorized by section 4010 of title 18 of the United States Code;
- (I) transfer to the Health Services Administration of such amounts as may be necessary, in the discretion of the Attorney General, for the direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions;
- (J) for Federal Prison Industries, Incorporated, to make such expenditures, within the limits of funds and borrowing authority, and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase and hire of passenger motor vehicles;
- (K) for planning, acquisition of sites and construction of new facilities, and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, to remain available until expended, and the labor of United States prisoners may be used for work performed with sums authorized by this clause; and
- (L) for carrying out the provisions of sections 4351 through 4353 of title 18, of the United States Code, relating to a National Institute of Corrections, to remain available until expended;

\$535,070,000

Federal Prison System
Priority Ranking of Programs

Ranking of Base Programs		Ranking of Program Increases	
Ranking	Program	Ranking	Program
1	Food and Farm Service	1.	Medical Services
2	Institution Security	2.	Planning and Site Acquisition
3	Medical Services	3.	New Construction
4	Other Inmate Services (appropriated)	4.	Modernization and Repair of Existing Facilities
5	Institution Maintenance	5.	Contract CTV's
6	Institution Administration	6.	Institution Security
7	Federal Prison Industries, Inc.	7.	Food and Farm Services
8	Modernization and Repair of Existing Facilities	8.	Other Inmate Services
9	Contract Community Treatment Centers	9.	Federal Prison Industries
10	Contract Confinement in State and Local Institutions		
11	Community Program Management		
12	Unit Management		
13	Planning and Site Acquisition		
14	New Construction		
15	Executive Direction and Control		
16	General and Occupational Education		
17	Psychology Program		
18	Religious Program		
19	Leisure Program		
20	Administrative Services		
21	Other Inmate Services (Non-appropriated)		
22	Staff Training		
23	National Institute of Corrections		

Department of Justice
Federal Prison System
Salaries and expenses
Estimates for Fiscal Year 1984
Table of Contents

<u>Item</u>	<u>Page</u> <u>Number</u>
Summary Statement.....	1
Proposed Appropriation Language.....	6
Crosswalk of 1983 Changes.....	7
Summary of Requirements.....	10
Summary of Resources by Program.....	11
Justification of Program and Performance.....	13
Status of Congressionally Requested Studies, Reports, and Evaluations.....	43
Detail of Permanent Positions by Category.....	44
Summary of Adjustments to Base.....	45
Justification of Adjustments to Base.....	46
Financial Analysis of Increases.....	51
Summary of Requirements by Grade and Object Class.....	52

Federal Prison SystemSalaries and expensesSummary StatementFiscal Year 1984

The Federal Prison System is requesting for "Salaries and expenses" for 1984, a total of \$426,263,000, 9,291 permanent positions and 9,004 workyears. This request represents an increase of 206 positions, 201 workyears, and \$28,941,000 from the 1983 appropriation request.

The mission of the Federal Prison System is to carry out the judgments of the courts for sentenced Federal offenders, provide detention services for persons serving short sentences, provide for humane incarceration of offenders and encourage offenders to participate in programs and activities that can impact positively on their capability for achieving a crime-free life. The Federal Prison System philosophy recognizes that incapacitation, retribution, deterrence and rehabilitation are all valid aims of corrections.

The Federal Prison System currently has resources to maintain and operate nationwide 44 penal institutions, 5 regional offices, 3 staff training centers and 1 central office, and contracts for correctional services with over 457 state and local correctional institutions, 66 juvenile facilities and 313 community treatment centers. (Following the Summary Statement is a geographical display of the Federal Prison System by region.) For 1984, the Federal Prison System projects an average daily population of 30,000 as compared to 29,000 in 1983.

The appropriation "Salaries and expenses" contains five budget activities including Inmate Care and Custody, Inmate Programs, Institution Administration and Maintenance, Community Corrections and Program Direction.

Inmate Care and Custody

This activity includes the costs of all food, medical care, clothing, welfare services, release clothing, transportation and gratuities, housing unit furnishings, staff salaries, including salaries of Health Services Administration commissioned officers, and operational costs of functions directly related to providing for inmate custody and care. This activity also finances the costs of confining sentenced Federal offenders in contract state and local facilities. To carry out its mission in this activity, the Federal Prison System conducts the following programs:

The Food and Farm Service program is responsible for providing a nutritionally adequate, palatable diet for inmates in Federal prison facilities. Farm operations are conducted at three institutions to utilize available land resources to produce beef and milk for use by Federal correctional institutions. In 1984, this program contains an increase of \$704,000 to provide for additional food costs associated with a projected population increase.

The Medical Services program provides adequate, accessible health care for each Federal offender. Phase-out of the United States Public Health Service (PHS) Commissioned Officers Corps, serving in the Federal Prison System, began in 1983. A transfer from the Department of Health and Human Services of 46 positions and 42

workyears is requested in 1984 to continue to convert from PHs to civil service doctors. In addition, an increase of 22 positions, 16 workyears and \$489,000 is requested to provide 24-hour or 16-hour medical coverage, as appropriate, at the remaining institutions that lack such coverage. Also, 70 positions, 52 workyears and \$1,571,000 is requested to activate a 105-bed chronic care unit at the Medical Center for Federal Prisoners (MCFP), Springfield, Missouri. Savings generated from the activation of the chronic care unit at the MCFP, Springfield will be utilized to fund an expansion of contract medical services for 24-hour emergency care with community hospitals and physicians amounting to \$834,000. The program also includes 14 positions and 14 workyears associated with housing Cuban detainees at appropriate FPS facilities and \$409,000 for additional medical costs associated with a projected population increase.

The other Inmate Services (appropriated) program provides all inmates with adequate clean clothing, footwear, linens, toiletries and writing supplies during incarceration. It covers the costs, including staff salaries, of the clothing/laundry and commissary trust fund operations. In 1984, this program contains an increase of \$139,000 to provide services for an average daily population of 30,000 as compared to 29,000 in 1983.

The program for Contract Confinement in State and Local Institutions finances efforts for contracting for space with appropriate non-Federal agencies to board certain types of Federal offenders, such as juveniles, offenders with short sentences and protection cases. The Bureau is responsible for ensuring that these facilities meet Bureau standards and that inmates housed in these facilities receive adequate services. Resources at the base level are sufficient to achieve program objectives.

The Institution Security program consists of the correctional staff whose responsibility is to maintain security, control and supervision consistent with human dignity. In 1984, an increase of \$127,000 is requested to provide services for the projected population increase. The program also includes 54 positions and 54 workyears associated with housing Cuban detainees in FPS facilities.

The Unit Management program is a system of inmate management that decentralizes an institution by breaking the population down into groups of 50 to 150 offenders. It provides administration, case management services, counseling services, drug/alcohol and other needed services to the smaller groups. In 1984, this program will continue at the current services level.

Inmate Programs

This activity finances the cost of academic, social and occupational education courses, institution programs for leisure-time activities, and religious and psychology services. In 1984, no program changes are requested in this activity.

General and Occupational Education programs are divided into two basic areas. General Education Services provide programs designed to meet specific inmate needs for functional literacy, high school equivalency, continuing education, and personal growth. Occupational Educational Services provides programs to enhance the employability of offenders upon release, particularly those who either lack a solid employment history or a saleable skill.

The Leisure Program provides offenders with opportunities to participate in constructive recreation and leisure-time activities and to improve their social skills; this contributes to a safer and more humane environment and assists inmates in attaining success after release to the community.

The Religious Program provides for religious and pastoral care to Federal inmates who represent approximately 150 religious denominations and affiliations. The basic constitutional right of religious freedom remains intact during confinement although the full practice thereof is curtailed because of the custodial demands of an institution and its separation from the free community.

The Psychology Program provides psychological services to inmates who have mental health problems. In addition, psychology staff, by virtue of their training, assist management in consulting with and training other correctional staff.

Institution Administration and Maintenance

This activity covers all costs associated with the general administration, operation and maintenance of facilities. Included are functions of the warden's office, legal counsel, personnel, financial management, records office, safety, staff training, mechanical services, motor pool operations, power house operations and other administrative functions. No program changes are requested for this activity in 1984.

Institution Administration finances the costs of the institutions' executive staff (warden and staff), legal counsel, personnel and financial management, and administrative systems management and safety programs.

The Staff Training program provides training to all staff in all spheres of corrections. It assures that the latest policies, procedures and correctional techniques are communicated to staff. Staff training consists of programs in each institution, training at the three Federal Prison System staff training centers, and external training through contracts.

The Institution Maintenance program finances the costs of repairs to buildings and facilities, purchase of utility systems and steam power plants, telecommunications and transportation services. Services are provided through the direction of the technical facilities management staff.

Community Corrections

This activity provides for the care of Federal offenders in contract community residential facilities. It also finances the contract development and monitoring activities of Federal Prison System community programs managers, formerly called community programs officers.

Community Programs Management program provides resources for developing and managing resources for the confinement of offenders in non-Federal facilities including state and local correctional institutions, juvenile facilities, local detention facilities (jails), and community-based facilities and providing liaison between the Federal Prison System, and the U.S. Marshal Service, U.S. Probation Service, U.S. Parole Commission, Federal Courts, and state and local law enforcement officials. In 1984, this program will provide services at the current level.

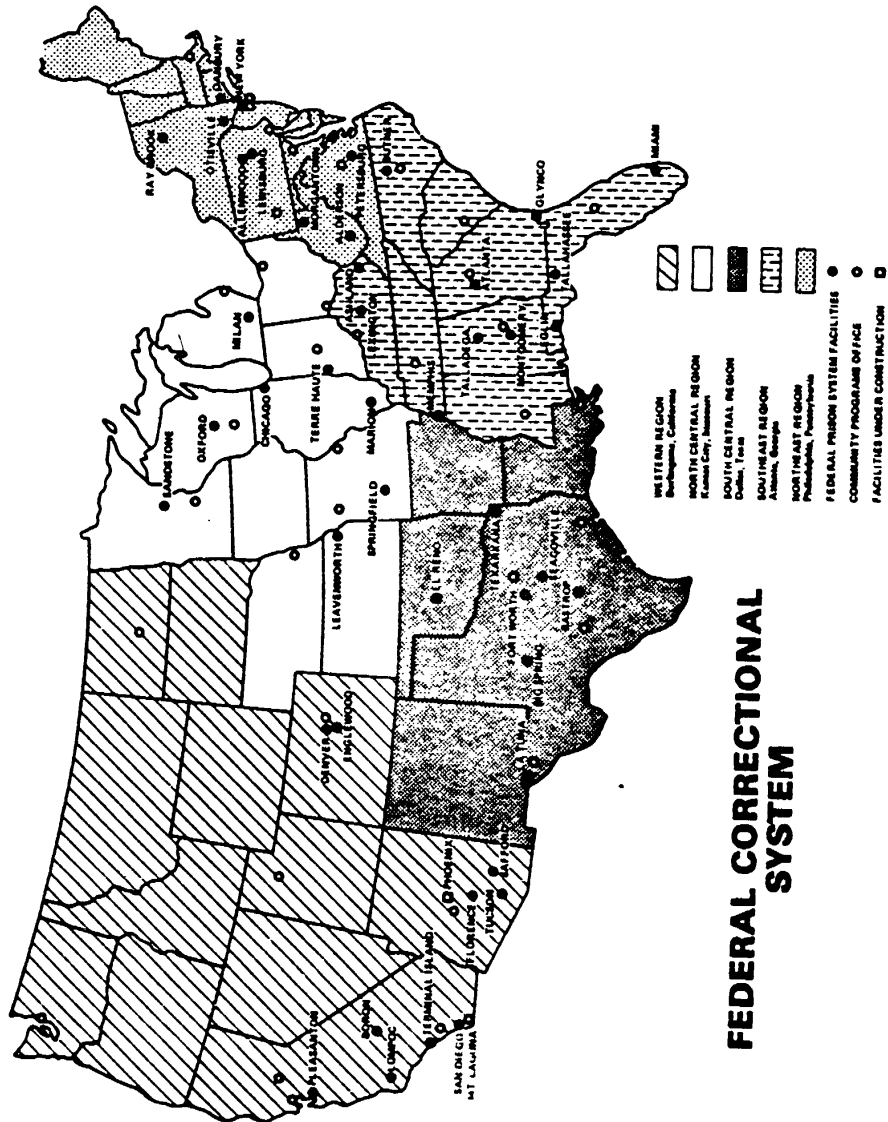
Contract Community Treatment Centers (CTCs) provide for all community-based correctional programs. The Federal Prison System contracts with State, local and private agencies to provide residential resources for institution releasees, direct commitments and persons requiring closer supervision than can be provided by U.S. Probation Officers. In 1984, an increase of \$6,096,000 is requested to provide community residential program bed-space to all eligible Federal Prison System releasees for an average length of stay of 100 days; thus, providing for an average daily population of 2,295 as compared to 1,800 at the base level. This increase in CTC based population of 495 results in a like decrease to institution based population. As a consequence, overcrowding is reduced without constructing a more costly new institution.

Program Direction

This activity covers the costs of regional and central office executive direction and management support functions such as the executive staff, regional and central office program managers, research and evaluation, program analysis, budget development, policy development and implementation, system support, financial management, personnel, ADP, space management, and legal services. No program changes are proposed for this activity in 1984.

Executive Direction and Control provides the resources for overall policy and program development, implementation, direction and evaluation to assure the effective conduct of the Federal Prison System's business. In addition, resources are included to provide the Federal Prison System and Federal Prison Industries, Inc. with adequate legal counsel.

The Administrative Services program finances the central and regional office functions of personnel management; maintenance of equal employment opportunity; medical services; financial management, including procurement and property management; and ADP services, records management, mail, printing, reproduction, and space management.



Federal Prison SystemSalaries and expensesJustification of Proposed Changes in Appropriation Language

The 1984 budget estimates include proposed changes in appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and expenses

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed thirty-one [of which twenty-seven are] for replacement only) and hire of law enforcement and passenger motor vehicles; [\$387,049,000]; Provided, That there may be transferred to the Health Services Administration such amounts as may be necessary, in the discretion of the Attorney General, for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions.

\$426,263,000

Explanation of Change:

No substantive changes proposed.

Federal Prison System

Salaries and expenses

Crosswalk of 1983 Changes
(Dollars in thousands)

Activity/Program	1983 President's Budget Request			Congressional Appropriation Actions on 1983 Request	1983 Supplemental Request			1983 Appropriation Anticipated		
	Pos.	NY	Ant.		Pos.	NY	Ant.	Pos.	NY	Ant.
1. Inmate Care and Custody:										
a. Food and basic services.....	406	376	\$3,757	-\$776	...	22	\$249	406	398	\$3,876
b. Medical services.....	667	631	37,511	-450	4	25	-228	675	656	38,231
c. Other inmate services.....	122	100	6,691	-153	-1	22	249	121	122	6,911
d. Contract confinement in state and local institutions.....	...	...	7,529	...	...	...	...	...	...	7,529
e. Institution security.....	3,810	3,690	89,643	-140	-69	-144	-2,191	3,721	3,546	90,936
f. Unit management.....	1,143	1,097	33,964	-128	-18	-34	-325	1,125	1,063	34,963
Subtotal.....	6,148	5,894	209,095	-1,647	-100	-109	-2,745	6,048	5,785	212,436
2. Inmate Programs:										
a. General and occupational education.....	295	278	11,849	-105	-16	-22	-307	279	256	11,800
b. Leisure program.....	107	104	4,284	-45	11	12	249	118	116	4,626
c. Religious program.....	69	68	3,245	-25	...	3	...	69	71	3,339
d. Psychology program.....	87	94	3,963	-12	-2	...	-50	85	94	4,177
Subtotal.....	558	544	23,341	-187	-7	-7	-108	551	537	23,942
3. Institution Administration and Maintenance:										
a. Institution administration..	1,051	995	47,415	...	118	157	2,385	1,169	1,152	51,348
b. Staff training.....	57	65	5,460	...	...	-2	...	57	63	5,558
c. Institution maintenance.....	783	755	55,091	...	6	-11	124	789	744	56,442
Subtotal.....	1,891	1,815	107,966	...	124	144	2,505	2,015	1,959	113,348
4. Community Corrections:										
a. Community programs management.....	99	102	3,900	...	-25	-23	-280	74	79	3,804
b. Outreach community treatment centers.....	...	...	21,039	...	...	...	...	...	...	19,434
Subtotal.....	99	102	25,019	...	...	...	...	...	...	23,238

Federal Prison System

Salaries and expenses

Crosswalk of 1983 Changes (cont.)
(Dollars in thousands)

Activity/Program	1983 President's Budget Request		1983 Request		Reprogramming		Supplemental Requested		1983 Appropriation Anticipated	
	Pos.	WT	Pos.	WT	Pos.	WT	Pos.	WT	Pos.	WT
5. Program Direction:										
a. Executive direction and control.....	216	243	\$9,624	...	5	\$125	...	533	216	243
b. Administrative services.....	172	205	14,439	...	8	10	...	336	181	195
Subtotal.....	388	448	24,063	-601	8	-5	...	871	397	443
Total.....	9,065	8,903	389,484	-2,435	...	...	...	10,173	9,065	8,903
										397,422

Explanation of Analysis of Changes from 1983 Appropriation Request

Congressional Action

The Congress disallowed a budgeted increase amounting to \$601,000 for payments to General Services Administration for space and services. In addition, the Congress did not provide \$1,814,000 requested for an increase in average daily population from 27,900 to 29,000.

Reprogramming

During the December 1982 review of its 1983 financial plans, the Federal Prison System determined the need to accomplish certain reprogramming actions from the program and budget activity estimates for 1983 as adjusted for Congressional action. The major thrust of the reprogramming actions include establishing separate institutions for Youth Corrections Act offenders, closing 5 farms, and establishing an Administrative Systems Management Office within each institution. Other minor actions are within the reprogramming thresholds.

During 1982, the FFS designated the Federal Correctional Institutions (FCI) at Morgantown, West Virginia; Petersburg, Virginia; and Englewood, Colorado as the FFS facilities to exclusively house Youth Corrections Act offenders. This action resulted from the Federal court case *Matta v. Heckin*, 651 F.2d 354 (1981), which required the FFS to afford separate treatment for youth offenders, including persons sentenced under 18 USC, 5010b, 5010c, 5010d, and 3041g. In addition, FFS established special staffing guidelines for these facilities that required an additional 17 positions, 14 workyears and \$280,000. These resources were reprogrammed from the decision unit "Community Programs Management". FFS requirements for community program managers were reduced by increasing the geographical area to be covered by a given community program manager.

In 1982, FFS re-evaluated the cost effectiveness of its farm program. FFS determined that 5 of the 8 farms were producing beef and/or milk at a cost that was estimated to be \$227,000 greater than they could purchase the items on the open market. As a result, FFS decided to close the 5 farms including the farms at the FCI's Texas, Texas; Petersburg, Virginia; and La Tuja, Texas and the U.S. Penitentiaries at Terre Haute, Indiana and Leavenworth, Kansas. Funds used to operate the farms will now be utilized to purchase food on the open market. In addition,

FPS plans to utilize the 12 positions associated with the closed farms to staff 3 satellite camp food operations with professional cook foremen as well as to address other high priority needs in the Institution security, unit management and Institution maintenance programs.

In 1982, the Federal Prison System requested and the Office of Personnel Management approved action to establish a new discipline within the Institution Administration program known as Administrative Systems Management (ASM). The ASM concept consolidates at each Institution three disciplines, (the records office, the receiving and discharge office and the mail room) into one new discipline. This consolidation allows for more effective and efficient management of three closely related areas and requires FPS to transfer resources from the Institution security and unit management programs to the Institution Administration program. (Resources for the receiving and discharge programs were previously reported as part of the Institution Security program and some records office resources were included in the Unit Management program's estimates.)

Pay Supplemental

The pay supplemental request provides \$9,484,000 for the increased pay requirements contained in Executive Order 12887, \$226,000 for Executive Level pay increases contained in P.L. 97-177 and \$2,268,000 for Federal share of the Medicare costs contained in P.L. 97-248.

<u>Federal Prison Systems</u>	<u>Salaries and Expenses</u>	<u>Summary of Requirements</u> <u>(Dollars in thousands)</u>
1960	1960	1960
1961	1961	1961
1962	1962	1962
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2065	2065	2065
2066	2066	2066
2067	2067	2067
2068	2068	

<u>Ann.</u> <u>Pos.</u>	<u>Mark-</u> <u>years</u>	<u>Amount</u>
9,085	8,803	\$387,049
...	...	10,373
9,085	8,803	337,422
46	42	...
...	23	22,047
...	...	-2,743
9,131	8,868	416,726

Adjustments to base

1983 as enacted.....	
1983 Pay supplemental requested.....	
1983 appropriation anticipated.....	
Transfer from the Department of Health and Human Services.....	
Uncontrollable increases.....	
Decreases (automatic non-policy).....	
1984 base.....	

Expenditures by budget activity	1962 Actual			1963 Appropriation Anticipated			1964 Base			1964 Estimate			Increase/Decrease		
	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	NY	Amount	
1. Inmate care and out-of-hospital services.....	6,024	5,743	\$200,629	6,048	5,785	\$212,436	6,094	5,844	\$219,450	6,254	5,940	\$222,891	160	136	\$3,441
2. Inmate programs.....	566	536	21,034	551	537	23,942	551	538	24,277	551	531	24,277	...	...	...
3. Institution administration and maintenance.....	1,874	1,863	99,729	2,015	1,959	113,348	2,015	1,964	121,222	2,015	1,964	121,222	...	...	...
4. Community corrections.....	94	89	18,450	74	79	23,234	74	79	26,271	74	79	32,367	...	...	6,096
5. Program direction.....	369	431	23,321	397	443	24,458	397	443	25,506	397	443	25,506	...	...	...
Total.....	8,952	8,702	\$363,163	9,085	8,803	\$7,422	9,131	8,864	416,726	9,291	9,004	426,263	160	136	9,537

Federal Prison System

Salaries and expenses

Summary of Resources by Program
(Dollars in thousands)

Estimates by Program	1982 as Budgeted			1982 Actual			1983 Appropriation Anticipated			1984 Base			1984 Estimate			Increase/Decrease		
	Funds.	WY	Amount	Funds.	WY	Amount	Funds.	WY	Amount	Funds.	WY	Amount	Funds.	WY	Amount	Pos.	WY	Amount
Inmate Care and Custody:																		
Food and farm services.....	401	413	\$13,021	401	393	\$13,277	406	398	\$13,876	406	400	\$36,152	406	400	\$36,856	...	...	\$704
Medical services.....	597	652	34,816	597	563	34,826	675	656	38,231	721	700	40,435	827	782	42,906	106	82	2,471
Other inmate services.....	120	97	6,361	120	113	6,476	121	122	6,911	121	123	7,331	121	123	7,470	...	...	139
Contract confinement in state and local																		
institutions.....	...	...	6,280	...	...	5,668	...	...	7,529	...	...	8,018	...	...	8,018	...	...	...
Institution security.....	3,769	3,617	87,025	4,769	3,640	87,586	3,721	3,546	90,936	3,721	3,555	92,181	3,775	3,609	92,308	54	54	127
Unit management.....	1,137	1,099	33,425	1,137	1,074	32,796	1,125	1,063	34,953	1,125	1,066	35,333	1,125	1,066	35,333	...	...	...
Subtotal.....	6,024	5,878	201,728	6,024	5,783	200,629	6,048	5,785	212,436	6,094	5,844	219,450	6,254	5,980	222,891	160	136	3,441
Inmate Programs:																		
General and occupational																		
education.....	294	278	10,893	294	264	10,352	279	256	11,800	279	256	11,998	279	256	11,998	...	...	...
Leisure program.....	118	121	4,564	118	117	4,442	118	116	4,636	118	117	4,686	118	117	4,686	...	...	...
Religious program.....	68	68	3,140	68	64	2,808	69	71	3,339	69	71	3,392	69	71	3,392	...	...	...
Psychology program.....	86	97	3,813	86	91	3,432	86	94	4,177	86	94	4,201	86	94	4,201	...	...	...
Subtotal.....	566	565	22,410	566	536	21,034	551	537	23,942	551	538	24,277	551	538	24,277	...	...	...
Institution Administration and Maintenance:																		
Institution administration.....	1,040	1,009	43,276	1,040	1,059	43,269	1,169	1,152	51,348	1,169	1,155	54,359	1,169	1,155	54,359	...	...	...
Staff training.....	57	66	5,225	57	66	5,063	57	63	5,558	57	63	5,764	57	63	5,764	...	...	...
Institution maintenance.....	777	758	51,444	777	739	51,397	789	744	56,442	789	746	61,099	789	746	61,099	...	...	...
Subtotal.....	1,874	1,829	99,945	1,874	1,863	99,729	2,015	1,959	113,348	2,015	1,964	121,222	2,015	1,964	121,222	...	...	...
Community Corrections:																		
Community programs																		
management.....	99	105	3,626	99	89	3,147	74	79	3,804	74	79	3,867	74	79	3,867	...	...	...
Contract community																		
treatment centers.....	...	...	15,765	...	...	15,303	...	...	19,434	...	...	22,404	...	...	28,500	...	...	6,096
Subtotal.....	99	105	19,391	99	89	18,450	74	79	23,238	74	79	26,271	74	79	32,367	...	...	6,096

Summary of Resources by Program (cont.)
(Dollars in thousands)

Estimates by Program	1982 as Enacted		1982 Actual		1983 Appropriation Anticipated		1984 Base		1984 Estimate		Increase/Decrease	
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount
Program Direction:												
Declarative direction and control.....	246	\$9,752	216	\$9,635	216	\$10,282	216	\$10,381	216	\$10,381	...	...
Administrative services...	173	13,604	173	13,686	181	14,176	181	15,125	181	15,125	...	...
Subtotal.....	389	23,356	389	23,321	397	24,458	397	25,506	397	25,506	...	...
Total.....	8,952	8,839	8,952	8,702	9,085	8,803	9,131	8,868	9,004	426,263	160	\$9,537
Other Workyears												
Holiday.....	159		138		183		183		183		...	...
Overtime.....	141		171		158		158		158		...	...
Total compensable workyears.....	9,139		9,011		9,144		9,209		9,345		136	

Federal Prison System
Salaries and expenses
Justification of Program and Performance
 Activity Resource Summary
 (Dollars in thousands)

Activity: Inmate Care and Outbody	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease		
	Anticipated			Perm.			Perm.			Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Food and Farm Services.....	406	398	\$33,876	406	400	\$36,152	406	400	\$36,856	...	...	\$704
Medical Services.....	675	656	38,231	721	700	40,435	827	782	42,906	106	82	2,471
Other Inmate Services.....	121	122	6,911	121	123	7,331	121	123	7,470	...	...	139
Contract Confinement in State and	...	...	7,529	...	...	8,018	...	...	8,018	...	...	...
Local Institutions.....	3,721	3,546	90,935	3,721	3,555	92,181	3,775	3,609	92,308	54	54	127
Institution Security.....	1,125	1,063	34,953	1,125	1,066	35,333	1,125	1,066	35,333	...	...	...
Unit Management.....	6,048	5,785	212,436	6,094	5,844	219,450	6,254	5,980	222,391	160	136	3,441
Total.....												

This budget activity includes the cost of all food, medical care, clothing, linen, welfare services, release clothing, transportation and gratuities, housing unit furnishings, staff salaries including salaries of health services administration commissioned officers, and operational costs of functions directly related to providing for inmate custody and care. Also included are the costs of confining sentenced Federal offenders in contract State and local facilities.

Activity: Inmate Care and Outbody	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease		
	Anticipated			Perm.			Perm.			Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Food and Farm Services.....	406	398	\$33,876	406	400	\$36,152	406	400	\$36,856	...	...	\$704

Long-Range Goal: To provide a nutritional diet for all inmates confined in the Federal Prison System.

Major Objectives:

Continue providing daily allowances from the fifteen major food categories including beef, pork, and other meats; fats; starches; milk and cheese; eggs; sweeteners; beverages; potatoes and other roots; leafy green and yellow vegetables; tomatoes; dried beans; peas or nuts; fresh, canned and dried fruits; citrus; and adjuncts.

Continue providing, and in some cases expand the provision of, medical and religious diets, low calorie meals, and other menus which address special needs.

Keep abreast of technical advances in the food industry.

Continue cost-effective farm operations to supplement food purchased from local sources.

fully staff all satellite food operations with professional cook foremen.

Professionally analyze food service programs for nutritional adequacy.

Base Program Description: Institution food menus are prepared on a 35-day cycle, balanced for variety and adequate nutrition. The basis for the menu is the "standard ration" which consists of appropriate levels of the fifteen major food categories. Special medical and religious diets are included in the menu.

Meal preparation is accomplished primarily by inmate workers under the supervision of trained civilian staff. Nearly 10 percent of the total inmate population (3,000 inmates in 1984) work in the food service program. Inmates and staff begin preparation of the morning meal at approximately 4 A.M. and finish the clean-up of the evening meal by about 7 P.M.

Food service administrators keep abreast of new ideas and technology in the food industry by attending National Restaurant Association Seminars and Bureau food service workshops.

The central office Food Administrator works closely with other agencies and organizations, both in and outside Government. The United States Department of Agriculture provides the Federal Prison System with certain surplus foods from the Commodity Credit Corporation. Standards of the Food and Drug Administration serve to keep the Bureau in compliance with food service sanitation and safety codes. The General Services Administration aids in the purchase of major production equipment. The military branches have shared many common food service goals. Organizations such as the National Restaurant Association, National Security & Industrial Association, American Correctional Food Service Association, National Association of Food Service and Farm Service Supervisors, and many more, play an important role in providing assistance to food managers of the Bureau.

Farm operations are conducted at three institutions. The Federal Correctional Institutions (FCI's) at Longoc, CA and El Reno, OK utilize available land resources in the limited production of beef and milk and the United States Penitentiary at Lewisburg, PA is limited to the production of beef. Farm products are obtained at the producing institution and are also shipped to nearby institutions to offset their need to purchase some products on the open market. These farm operations must produce foods cheaper than they can be purchased on the open market or face termination.

Accomplishments and Workload: Actual and estimated accomplishments of the Food and Farm Services Program are presented in the following Table:

Item	1981	Estimates	
		1983	1984
Meals provided.....	73,947	87,000	90,000
Pounds of food served per person per day.....	5.68	5.25	5.15
Number of farms operated.....	8	3	3
Value of farm products produced.....	\$3,500,000	\$1,382,400	\$1,451,600
			\$1,520,700

FPS continues to provide three meals daily per inmate. The number of meals provided will increase as a direct result of the projected population increase. These meals which are professionally analyzed annually by registered dietitians, are well within the recommended Dietary Allowances of the Department of Agriculture's National Research Council. As indicated in the table, FPS will continue to reduce the pounds of food served per inmate per day. Basically, the decline reflects a reduction in the amount of starch and sugar in the inmates' diet.

In 1982, FPS re-evaluated the cost effectiveness of its farm program. FPS determined that 5 of the 8 farms were producing beef and/or milk at a cost that was estimated to be \$227,000 greater than they could purchase the items on the open market. As a result, FPS decided to close the 5 farms including the farms at the FCI's Texarkana, TX; Petersburg, VA; and La Tuna, TX; and the U.S. Penitentiaries at Terre Haute, IN and Leavenworth, KS.

Program Changes: An increase of \$704,000 is requested in 1984 for food supplies associated with a projected Federal inmate population increase from 29,000 in 1983 to 30,000 in 1984.

	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease	
	Item.	Qty	Amount	Item.	Qty	Amount	Item.	Qty	Amount	Per.	Amount
	Pos.			Pos.			Pos.				
Medical Services.....	675	656	\$38,231	721	700	\$40,435	627	762	\$42,906	106	\$2,471

Long-range Goal: Provide offenders incarcerated in Federal Prison System facilities with adequate, comprehensive, accessible, and high quality health care services.

Major Objectives:

Continue to provide current level health care services in all institutions, which include promotion of good health practices, prevention of diseases and disability, inpatient and outpatient treatment, medical rehabilitation services and health education.

Provide additional medical personnel at 19 facilities which currently lack either 24-hour or 16-hour coverage.

Provide nursing, clinical laboratory, x-ray, pharmacy, and medical records coverage to replace inmate workers at three institutions.

Base Program Description: The FFS's medical facilities are of three categories: medical referral centers (four facilities); infirmaries (thirty-one facilities); and ambulatory care clinics (eight facilities).

Within 14 days of admission, all inmates receive a complete physical examination including a chest x-ray and, if indicated, a psychiatric evaluation. The physical examination is sufficiently detailed to permit a reasonably accurate physical, dental, and mental appraisal of the inmate.

Medical services are delivered at the institution level by a variety of professional and para-professional health care personnel including physicians, physician assistants, medical technical assistants, nurses and dental staff. The primary health care provider is the physician assistant. Physician assistants conduct sick call five days a week which includes examination of patient complaints, ordering and assessment of diagnostic tests and implementation of a medical treatment plan. Inmates who are in segregation units are seen once during each 24-hour period by a physician assistant. Inmates with complaints during other than normal working hours or on weekends and holidays are seen by a physician assistant on-call. If an inmate has a health condition which is beyond the scope of a physician assistant's professional capability, the inmate is referred to a physician at the institution, a contract physician or hospital in the community or one of the Bureau's medical referral centers.

The Medical Center for Federal Prisoners (MCFP) at Springfield, Missouri is the major medical referral center in the Federal Prison System. Three additional regional medical referral centers within the FFS health care delivery system are:

1. FCI, Butner, NC - referrals are mainly male psychiatric cases from the Northeast and Southeast Regions.
2. FCI, Lexington, KY - referrals are nationwide female psychiatric cases, male medical cases from the Northeast and Southeast Regions and female cases nationwide. Also, selected chronic (disabled, handicapped, geriatric) cases are referred to Lexington on a nationwide basis.
3. FCI, Terminal Island, CA - referrals of both male and female medical, surgical, and psychiatric (for male inmates) cases are made primarily from the Western Region.

The U.S. Public Health Service (HHS) has provided personnel in support of the PHS medical program. Agreements also provide for the utilization of HHS medical facilities on a referral basis. The Corps' personnel are scheduled to be converted to the regular Civil Service system beginning in 1983 and ending in 1984 with the exception of nine HHS Commissioned Officers who are within five years of retirement and will remain in their current positions until retirement.

Medical, surgical, and rehabilitative services which are not available in PHS hospitals, are provided to inmates through contract arrangements with community hospitals and/or governmental health facilities.

Accomplishments and Workload: Actual and estimated accomplishments for the Medical Services program are presented in the following table:

Item	Estimates		
	1981	1982	1983
Outpatient visits.....	773,917	834,498	897,085
Inpatient admissions.....	4,949	5,174	5,844
Complete physical exams.....	36,176	40,794	45,194
Vision refractions.....	9,557	9,925	10,322
Laboratory tests.....	547,262	636,165	718,800
Surgical procedures.....	4,817	5,721	6,503
X-rays.....	60,793	66,495	67,100
Consultant visits (institution and community).....	57,451	59,326	60,320
Dental visits.....	23,158	27,940	29,420
Dental exams.....	74,618	82,617	90,878
Dental procedures.....			99,650

The PHS continues to provide offenders with adequate, comprehensive, accessible, and high quality health care services.

The PHS has 24-hour or 16-hour (camps require only 16-hour coverage) medical coverage at 24 of its 43 institutions (55%). Of the 19 remaining institutions, 7 are camps requiring 16 hour coverage and 12 are FCI's requiring 24-hour coverage.

The MCFP, Springfield, MO, and the FCI's, Lexington, KY, Butner, NC, and Terminal Island, CA have maintained accreditation by the Joint Commission on Accreditation of Hospitals.

Utilization of Veterans Administration (VA) hospitals under an inter-agency agreement resulted in savings which were used to offset requirements for increased contract medical services.

Program Changes: An increase of 22 positions, 16 workyears and \$489,000 is requested for 1984 to provide 24-hour or 16-hour medical coverage at the 19 remaining institutions that lack the required coverage.

In addition, an increase of 70 positions, 52 workyears, and \$1,571,000 is requested to activate a 105-bed hospital unit for chronic care currently under renovation at the MCFP, Springfield, Missouri. The renovation, scheduled for completion in late 1983, will cost \$2,793,000 and will provide PHS the capability to provide for intensive acute and chronic cardiac care, nephrology, acute diabetes, chronic obstructive pulmonary disease, leukemia and acute blood cancers. Currently, there are over 150 inmates in contract facilities because a facility of this nature is not available within PHS. Resources include 70 staff to operate the facility 24-hours per day, 7-days a week at a staff/patient ratio significantly less than private or VA hospitals, as well as funds to equip the facility with the latest medical technology. The unit will result in significant savings to the government which will be utilized to offset requirements for increased contract medical services for 24-hour emergency care, curative care, and pharmaceutical services.

An increase of 14 positions and 14 workyears associated with housing Cuban detainees in FTS facilities is also requested in 1984. While funding is available within the base level to provide for additional medical staff, the current authorized positions and workyear ceilings are inadequate, resulting in selective staff reductions systemwide to provide some services. The shortage of positions and workyears in this program results from the 1982 appropriation request which began the phase III of the U.S. Penitentiary (USP) Atlanta, Georgia. Subsequent to the enactment of that appropriation, FTS with concurrence from the Congress has planned to continue operations of the Atlanta facility, which is currently housing the majority of the Cuban detainees. However, resources reduced in 1981 have not been restored and these costs are currently being absorbed. In 1984, with an increased population level, FTS will be hard pressed to continue absorbing these costs.

An additional \$409,000 is requested to provide medical supplies required as a result of the projected increase in inmate population.

	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease	
	Anticipated			Perm.			Perm.			Rm.	Amount
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount		
Other Inmate Services.....	121	122	\$6,911	121	123	\$7,331	121	123	\$7,470	...	\$139

Long-Range Goal: To provide all inmates with clean clothing, footwear, liners, toiletries and writing supplies during incarceration and to maintain the Inmate Trust Fund.

Major Objectives:

Acquire an adequate supply of clothing, footwear, liners, toiletries and stationery items for distribution to the inmate population.

Maintain laundry and clothing issue/return operations.

Maintain the Inmate Trust Fund.

Base Program Description: The Federal Prison System maintains an inventory of clothing, footwear, toiletries, liners and writing supplies for issue to all inmates during incarceration. Clean clothing and liners are issued weekly in exchange for clothing and liners to be laundered. A laundry operation is maintained to clean all clothing and liners. All services are performed with inmate labor under staff supervision.

In addition, FTS maintains an Inmate Trust Fund account for all monies on deposit for each inmate. Monthly inmate earnings received for work with Federal Prison Industries or performance pay, and money from family, friends or other sources during visits or via the mail are deposited directly to each inmate's account. Inmates can withdraw funds when needed to make purchases from the commissary, send money to family members, pay for legal services or pay for supplies to participate in programs such as college courses or leisure activities.

The FTS reviews surplus supplies available from GSA, the military services and other Government agencies for possible use in this program. The use of surplus supplies in the past has helped to offset the costs of this program.

Accomplishments and Workload: Actual and estimated accomplishments of the Other Inmate Services program are presented in the following tables:

Item	Estimates	
	1983	1984
Supply of clothing/footwear.....	124,600	145,000
Supply of linens.....	186,915	217,413
Laundry materials.....	121,807	208,250
Inmate Trust Fund collections.....	\$25,105	149,760
Inmate Trust Fund disbursements.....	\$25,226	\$27,713
		\$29,342
		\$30,354

The FPS continues providing inmates with clean clothing, footwear, linens, toiletries and writing supplies during incarceration and continues to maintain the Inmate Trust Funds.

Program Changes: An increase of \$139,000 is requested to purchase clothing, footwear, bedding, toiletries, etc., for the projected average daily population increase from 29,000 in 1983 to 30,000 in 1984.

	1983 Appropriation				1984 Base				1984 Estimate				Increase/Decrease	
	Anticipated		Funds		Funds		Funds		Funds		Funds		Funds	
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY
Contract Confinement in State and Local Institutions.....	\$7,529	...	...	\$8,018	...	...	\$8,018	...	...	...	...	...

Long-Range Goal: To provide, through contract, high quality and diversified state, local and private facilities to house all offenders requiring confinement outside the Federal Prison System (excluding Community Treatment Centers).

Major Objectives:

Place all juveniles in appropriate non-Federal juvenile facilities.

Place juveniles near their homes and in community-based facilities whenever possible.

House those offenders who are in danger in Federal institutions in state correctional institutions or other facilities.

House offenders with sentences of up to 180 days or less in local detention facilities.

Place offenders in contract facilities whose special needs cannot be met in FPS facilities.

Base Program Description: While FPS has a large number and variety of correctional institutions in which to provide for the care and custody of Federal offenders, there are certain categories of offenders that need to be confined in non-Federal facilities. These include persons committed under the Federal Juvenile Justice and Delinquency Prevention Act. This law requires separation of juveniles from adult offenders as well as placement of juveniles in community-based facilities near their residences whenever possible. A second category includes adult offenders the majority of whom are protection cases; that is, inmates whose lives might be endangered in Federal facilities. Third, there are inmates who have special program needs not available in FPS institutions. Lastly, there are offenders with short sentences (generally 180 days or less) who are placed in local detention facilities (jails) for services of sentences. Community Programs Managers (CPM's), formerly called Community Programs Officers, are stationed in large cities throughout the United States to develop and monitor contracts with non-Federal agencies to accomplish the above objectives. (For more details see the Program Justification on Community Programs Management.)

Accomplishments and Workload: Actual and estimated accomplishments for the Contract Confinement in State and Local Institutions program are presented in the following table:

Item	Estimates	
	1981	1982
Average daily population:		
Juveniles.....	101	106
Adult offenders.....	97	70
Short Termers.....	712	312
Number of Federal inmates admitted to non-federal facilities:		
Juveniles.....	76	52
Adult offenders.....	67	85
Short Termers.....	3,000	725
		1,400
		1,800

Since 1977, with only minor exceptions, the FRS has been able to place all juveniles in non-federal juvenile facilities. Roughly 20 percent of the juveniles are placed in community-based facilities and 18 percent are confined in their state of residence which enhances the opportunity to use available community resources and increases opportunities for visits from relatives and friends. The difficulty in placing juveniles near their homes and in community-based facilities results from the following factors: Federal law permits a juvenile to be held until his 21st birthday and beyond in some instances. The large majority of the states however, consider a person an adult after he reaches his 18th birthday. To conform with practices in most states, a change to the Federal juvenile law establishing the maximum age of juvenile commitments at 18 years, is currently being considered for proposal. Approximately 76 percent of our juveniles are ages 17 and over and 57 percent are ages 18 and over. Moreover, approximately 55 percent have committed violent or potentially dangerous offenses (most common are homicide, rape, and assault) requiring more secure placement than that offered in a community-based facility.

FRS has been unable to locate enough bed space to house adult offenders in non-federal facilities, either because of severe overcrowding in state and local facilities or because of the severe management problems many of these inmates present. Nevertheless, in 1982 an average of 85 adult offenders requiring protective custody or other special needs were housed daily in contract facilities. This action protected these offenders from possible violent acts and enabled them to live in the general population and participate in programs. In some instances, Community Programs Managers were able to negotiate reciprocal inmate housing arrangements with state or local jurisdictions.

	1983 Appropriation		1984 Base		1984 Estimate		Increase/Decrease	
	Perm.	WY	Perm.	WY	Perm.	WY	Perm.	WY
Institution Security.....	3,721	3,546	\$90,936	3,721	3,555	\$92,181	3,775	\$92,308
							54	54
								\$127

Long-range Goal: Provide Institution security, inmate control, and inmate supervision to assure the maximum protection for the community, staff, and inmates consistent with program requirements in all FRS facilities.

Major Objectives:

Reduce or minimize the situations and opportunities which can lead to prohibited acts such as escapes, homicides, assaults, suicides, and drug transactions.

Maintain an effective transportation system for prisoners in conjunction with the U.S. Marshal Service.

Meet correctional standards in all institutions.

Base Program Description: All institutions are assigned a security classification based in part on the physical design of each facility. There are six security level classifications, number one being the least restrictive and number six the most restrictive. Offenders are assigned a custody status which relates to the degree of supervision needed, and from a security and custody standpoint, are assigned to an institution. The result is a grouping of offenders with similar custodial needs in an institution.

Correctional officers are assigned to security posts which are primarily established on the basis of structural/visual considerations. Supervision of inmates is provided in living units, visiting areas, dining halls, recreation areas, and any other area where inmates may be located or have access to. The two basic categories of security are perimeter security and internal security. Perimeter security consists of a wall or fenced perimeter supplemented by manned gun towers, razor tape concertina wire strung between a double fence, high mast lighting to illuminate the perimeter, perimeter patrols and highly technical equipment such as alarm systems and video surveillance. Intrusions through the perimeter are controlled by a series of gates, both electrical and manual, supplemented by metal detection systems and search procedures for weapon and contraband control.

For all practical purposes, all other security measures, processes and activities can be called internal security, which commences when an inmate is committed and terminates upon his/her release. Included within this process are both metal detection and physical search procedures and intake screening to insure the safety of newly committed offenders within the general population. Medical screening is also accomplished to protect the general population from disease and health hazards.

To monitor inmates, regularly scheduled counts are conducted several times a day in all institutions. Work supervisors and program personnel are held strictly accountable for all inmates under their supervision. Violations of institution regulations are dealt with through the Inmate Disciplinary process. Correctional staff investigate the incident, prepare a report and submit it to the Unit Discipline Committee, which usually consists of a unit manager, case manager and a correctional counselor. Depending on the seriousness of the charge, the Unit Committee may hear and decide the case or refer it to the Institution Discipline Committee for hearing and decision. There is an administrative review process for appealing decisions of the Committee.

Administrative Detention/Disciplinary Segregation are programs for separation from the general population of offenders who require special protection and for those who pose a serious escape risk or threat to the security and orderly operation of the institution. Disciplinary segregation provides segregation of offenders who have committed serious prohibited acts within the institutional setting. Inmates are held in segregation only after a due process hearing where the inmate is given the opportunity to rebut the charge against him.

Much staff time is consumed in the monitoring of identified members of prison "gangs" such as the Mexican Mafia, Aryan Brotherhood, Nuestra Familia, Black Guerilla Family and Texas Syndicate, organizations whose constitutions advocate violence, drug trafficking, sexual activities and theft. If these groups can be controlled, then they will be unable to realize their goals within the institution.

In coordination with the United States Marshal Service, the Federal Prison System maintains a prisoner transportation system including the transportation of Witness Security Inmates.

Assaults, escapes and other prohibited acts are normally a violation of Federal statutes requiring FBI investigation and referral to the U.S. Attorney's Office for a determination whether or not to prosecute. Prosecution of these incidents enhances staff, inmate, and public safety. Successful prosecution frequently hinges on the initial response and handling of the crime scene and subsequent procedures by institution staff. This requires a highly trained, educated, and professional team of correctional officers.

Accomplishments and Workload: Actual and estimated accomplishments of the Institution Security program are presented in the following table:

Item	1981	1982	Estimates	
			1983	1984
Confined population.....	43,757	48,473	50,538	53,065
Successful confinement rate.....	98.4	99.2	99.1	99.0
Incapacitation rate.....	99.1	99.2	99.1	99.0
Overcrowding.....	3	15	16	20
Security staff/inmate ratio.....	1:6.7	1:7.5	1:7.9	1:7.9

Confined population includes the inmate population at the start-of-year plus admissions during the year. The successful confinement rate is the percent of those inmates who will not be involved in assaults, homicides and suicides. The incapacitation rate is the percent of inmates confined who will not escape. As illustrated in the above table FRS continues to minimize the situations and opportunities which lead to prohibited acts. In 1982, less than 1 percent of the total confined population were involved in assaults, homicides, suicides and escapes.

Institutions continue to evaluate their perimeter security. A number of institutions have installed high mast lighting, additional electronic detection devices, and constructed more secure configurations of man-barrier wire. The security of tower officers, foot patrol, and vehicle patrols has been enhanced by the use of armored vests. FRS is testing a prototype glass to be used at the most restrictive institutions to decrease the threat of outside attack or assistance in effectuating escapes.

During 1982, the prisoner transportation system handled 47,825 moves.

FRS has established a task force to study disruptive inmate groups, make recommendations and ultimately develop more effective methods to control these groups.

Program Changes: An increase of 54 positions and 54 workyears associated with housing Cuban detainees in FRS facilities is requested in 1984. While funding is available within the base level to provide for additional security staff, the current authorized positions and workyear ceilings are inadequate, resulting in selective staff reductions systemwide to provide some services. The shortage of positions and workyears in this program results from the 1982 appropriation request which began the phase out of the USF Atlanta, Georgia. Subsequent to the enactment of that appropriation, FRS with concurrence from the Congress has planned to continue operations of the Atlanta facility, which is currently housing the majority of the Cuban detainees. However, resources reduced in 1981 have not been restored and these costs are currently being absorbed. In 1984, with an increased population level, FRS will be hard pressed to continue absorbing these costs.

An additional \$127,000 is requested to provide security supplies required as a result of the projected increase in inmate population.

1903 Appropriation Anticipated	1964 Base			1964 Estimate			Increase/Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount

Unit Management..... 1,1/25 1,063 \$34,953 1,1/25 1,066 \$35,333 1,1/25 1,066 \$35,333

Long-range Goal: To establish a safe, humane environment which minimizes to the extent possible, the detrimental effects of confinement; and to provide a variety of counseling, social education and vocational training opportunities and programs which are most likely to aid inmates in a successful adjustment to the institution and, upon release, a successful return to the community.

Major Objectives:

Subdivide the inmate population in all major institutions into small, well-defined and manageable groups whose members develop a common identity from close association with each other and their unit staff.

Increase the frequency of contacts and improve relations between staff and inmates resulting in: a) better communication and understanding between individuals; b) more individualized classification and program planning; c) more valuable program reviews and program adjustments; d) better observation of inmates, enabling early detection of problems before they reach critical proportions; e) development of common goals which encourage unit cohesiveness; f) a more positive living and work atmosphere for staff and inmates; and g) more efficient accountability and control of inmates.

Ensure that decisions regarding inmates are made by staff most closely associated with these inmates, increasing the quality and swiftness of the decisions.

Provide program flexibility so that programs promote behavioral changes.

Provide opportunities for individual and group counseling in each unit.

Provide drug abuse programs for inmates who have the need and motivation to participate.

Base Program Description: The purpose of the Unit Management program is to improve inmate control and establish healthy relationships between staff and inmates by dividing the large institution population into smaller, more manageable groups. A team of multi disciplinary staff who have administrative and supervisory authority in most institutional aspects of programming and living are permanently assigned and located in the unit to work with the inmates. This places services closer to the users and permits decision-making by those who are most knowledgeable of the inmates and their programs. The increased interaction between inmates and staff enhances communication and understanding of inmate needs to a level not possible in a centralized correctional environment. The program is carried out through the proper classification of inmates and development of inmate programs on the basis of need and motivation.

All unit staff members are involved in inmate decisions or recommendations including furlough recommendations; parole recommendations; custody decisions; disciplinary committee actions; and inmate program participation.

A typical unit staff consists of a unit manager, case manager, correctional counselor, correctional officer, unit secretary, educational representative and a psychologist. Together, these individuals plan, develop, implement and evaluate the program of activities, i.e., education, vocational training, counseling, for all the offenders in their unit.

The FPs also has established Drug Abuse Units to deal with the special problems of inmates who have a dependency on drugs and/or alcohol.

Drug Abuse Units have basically the same staff as the other units except that Drug Abuse Units have a full-time psychologist assigned to the unit because of the therapeutic requirement of the program. The primary objective of all Drug Abuse Programs is to increase an inmate's level of acceptance of responsibility for his behavior. All programs have three phases. The first phase familiarizes the inmates with the various modalities or counseling activities available in the program. All inmates are also provided instruction on the effects of drugs on the body.

The second phase is actual participation of the inmates in the therapeutic program deemed most appropriate to his particular drug problem. The program may include individual or group counseling and participation in some education or vocational training program. In addition to fulfilling the responsibilities in the drug programs, each participant is required to perform acceptably on an institution job assignment.

The third, or "pre-release phase" consists of training and orientation of the inmates for his eventual release. Instruction is provided for job placement, financial responsibility and community drug abuse services and programs. The inmates are also given guidance and instruction regarding his parole responsibilities after release. Approximately 18 to 24 months are required to complete the three phases of the program.

Accomplishments and Workload: Actual and estimated accomplishments of the Unit Management program are presented in the following table:

Item	1981	1982	Estimates	
			1983	1984
Average Daily Population.....	24,932	27,730	29,000	30,000
Number of Units.....	181	181	181	181
Counseling Hours.....	665,669	794,258	800,000	800,000
Initial Classification Studies.....	14,307	17,155	17,200	17,200
Parole Hearing Reports.....	21,923	18,000	20,000	21,000
Study & Observation Reports.....	766	772	800	900
Transfer Reports.....	9,900	9,812	10,000	10,000
CIC Referral Reports.....	6,749	6,494	7,000	7,000
Parole/Hearing Processed.....	21,061	18,924	19,000	19,000
Releases.....	11,384	12,575	13,500	14,500

The Federal Prison System has virtually met its goal of establishing functional unit management in all of its major facilities. Only at the Federal Prison Camp, Maxwell AF Base, Alabama has unit management not yet been implemented. There are a total of 181 functional units in FPS institutions. Drug abuse programs have also been implemented in all major institutions. There are now 34 drug abuse programs with at least one unit at each major institution.

FPS continues to use the Security Designation System to place each individual inmate in an institution with the Security Level most appropriate for that inmate. Institutions are rated from Security Level 1 (minimum security) to Security Level 6 (maximum security). Once an inmate is placed in the proper institution, the Unit Management system provides further opportunity for an even more refined inmate classification scheme, which places an inmate in a specific part (unit) of that institution, which has security and program most appropriate for that inmate. Some units are specific for certain overall problem areas, such as alcohol or drug abuse. Other institutions are using an "internal" classification system that uses security classification and behavioral characteristics to assign inmates to a unit specifically tailored for inmates of that type. Early findings of several experiments with this type of "internal" typology classification system (Lewisburg, Tallahassee, Oxford, Longue) indicated a markedly reduced number of inmate assaults and an increase in effective supervision and management of inmates in general. The concept is viable enough that each institution housing Youth Corrections Act (YCA) offenders has been required to have an internal classification system to manage and provide programs for the YCA inmates committed there.

Activity: Inmate Programs	1983 Appropriation Anticipated		1984 Base		1984 Estimate		Increase/Decrease	
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount
General and Occupational Education.....	279	256	279	256	279	256	...	...
Leisure Program.....	118	116	118	117	118	117	...	...
Religious Program.....	69	71	69	71	69	71	...	...
Psychology Program.....	85	94	85	94	85	94	...	...
Total.....	551	537	551	538	551	538	...	...

This budget activity finances the cost of academic, social and occupational education courses, institution programs for leisure time activities, and religious and psychology services.

1983 Appropriation Anticipated	1984 Base		1984 Estimate		Increase/Decrease	
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount
General and Occupational Education....	279	256	279	256	279	256

Long-range goal: Provide general and occupational education opportunities to all inmates who wish or who are required to participate with special emphasis on those institutions which house inmates sentenced under the Youth Corrections Act; gain accreditation of all educational programs by approved accreditation bodies and the American Correctional Association (ACA); and complete the transfer of the vocational training program from Federal Prison Industries, Inc.

Major Objectives:

Provide education programs designed to meet inmate needs and to enhance their employability upon release.

Evaluate programs offerings annually to assure that the education needs of inmates are being met and that program innovations and new methods of delivering educational services, such as computer assisted instruction terminals, are examined for possible application.

Employ uniform curriculum standards.

Introduce new educational technology, where appropriate.

Develop a strategy for education program certification or accreditation by regional Associations of Colleges and Schools or other appropriate accrediting agencies.

Expand institutional library services to meet ACA standards by establishing inter-library loan agreements; by utilizing mobile or rotating library collections; and/or by directly providing adequate library services.

Base Program Description: General education services provide programs designed to meet specific inmate needs for functional literacy, high school equivalency, continuing education, and personal growth. There are five major components of the general education program:

1. Adult Basic Education (ABE). This program is designed for the 17 percent of the inmate population having less than a sixth grade education.

2. General Education Development (GED). The GED program is for the nearly 50 percent of Federal offenders who lack a high school diploma and consists of high school equivalency courses and general equivalency diploma examinations.
3. Adult Continuing Education (ACE). Courses are designed for inmates who have a desire to "brush up" in a special area or enroll in a special interest program, e.g., speed reading, English, mathematics, contemporary issues, history and foreign language.
4. Postsecondary Education (PSE). These courses are for inmates who have successfully completed high school and want to further their education, e.g., drafting, real estate, data processing, and dental technology.
5. Social Education. These programs help inmates develop a positive self-image and adequate social skills.

Occupational Education Services provide programs to enhance the employability of offenders upon release, particularly those who either lack a solid employment history or a saleable skill. The majority of Federal offenders are unskilled at the time of commitment to prison. Federal offenders can choose a vocation, through instruction, work experience, and career orientation; acquire or improve productive work skills and habits; and gain practical knowledge essential to working and functioning in a complex industrial-technical world of work. Approximately 15,000 Federal offenders will have the opportunity to participate in these training activities through the following five major components of the occupational education program:

1. Exploratory Training. Involves study of industries and occupations for a general knowledge of the world of work rather than specific skill development.
2. Pre-industrial Training. Provides short-run training for a targeted job in prison industries.
3. Vocational Training. Provides instruction and training in specific entry-level or advanced skills.
4. On-the-job Training. Offers organized instruction and training under actual working conditions in institution service and maintenance shops and Federal Prison Industries' factories.
5. Apprentice Training. Provides journeyman level instruction and training through structured apprenticeship programs approved at the state and national levels by the Bureau of Apprenticeship and Training, U.S. Department of Labor.

Staff are trained to deliver educational services in more effective and efficient ways through the use of new instructional materials and techniques, e.g., multi-media ABE materials developed by commercial vendors; computer assisted instruction, teaching machines and other electronic equipment. Education programs maximize the use of individual learning procedures which are successful with many offenders who have failed in traditional classroom settings.

In-house general education and occupational training programs are strengthened through contract services provided by universities, two and four year colleges, and vocational training schools.

Approved apprenticeship programs are developed and established through cooperative relationships between education staff and the Bureau of Apprenticeship and Training (BAT) through the BAT's local, regional, and national offices. The FRS requests and receives guidance and assessment of its education programs from State Departments of Education, the American Council on Education, community and junior colleges, the U.S. Office of Education, and national and local accreditation agencies. These agencies also assist with the triennial evaluations of education programs required by FRS policies and the American Correctional Association's standards for adult correctional institutions.

Internal evaluations by regional education administrators are conducted annually with at least one annual follow-up visit for each institution.

Major Objectives:

Provide a variety of indoor and outdoor physical, cultural, and related leisure activities with opportunities to belong to social and other groups.

Continue to regularly evaluate the inmate population needs for recreation and leisure activities in each institution so that programs are tailored for those receiving the services.

Increase the number of institutions which have Artists-In-Residence and visiting room programs.

Base Program Description: Each institution offers inmates a wide range of indoor and outdoor individualized (weightlifting, jogging, etc.) and group (basketball, touch football, volleyball, etc.) athletic activities and arts and crafts (ceramics, painting, drama, leathercraft, music, etc.). Chess and bridge clubs are organized in many institutions. Inmate drama groups put on plays and, at times, write their own plays. Inmate bands in country, rock and soul music perform concerts for the inmate population. Movies and invited guest performances are scheduled as frequently as possible. Annual art shows and related activities also take place in most institutions.

Leisure programs staff coordinate activities with community athletic teams, inmate organizations such as Jaycees, Toastmasters, NAACP and community artists and performers willing to provide shows for the inmate population. Continuing sources of new ideas for leisure programs are the inmate surveys and student interns, most of whom are pursuing university degrees in recreation. Through combined funds of the National Endowment for the Arts and the Bureau of Prisons, artists are retained on a contract basis to provide professional instruction in the visual or performing arts.

Accomplishments and Workload: Actual and estimated accomplishments of the Leisure Program are presented in the following table:

Item	1981		1982		Estimates	
	Runn.	Pos.	Runn.	Pos.	1983	1984
Formal leisure activities, enrollments.....			16,906	21,844	20,000	20,000
Formal leisure activities, completions.....			9,699	11,931	12,000	12,000

Only activities in which participation is expected, attendance taken, and which have a minimum duration of twenty hours are reported as a formal leisure activity. There are numerous informal leisure programs supervised by Leisure staff which are difficult to quantify.

The above table reflects increased participation in leisure activities. This is attributed to the increase in population and to the enthusiasm generated by staff and inmates and the self-fulfillment that results from participation in creative and physical endeavors. Institution staff, increasingly, are participating in sports and other activities with inmates. This has helped to improve staff/inmate communications and relationships.

	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease	
	Runn.	Pos.	WY	Runn.	Pos.	WY	Runn.	Pos.	WY	Runn.	WY
Religious Program.....	69	71	\$3,399	69	71	\$3,392	69	71	\$3,392	...	...

Long-range Goal: Extend to all prisoners the greatest amount of freedom and opportunity for pursuing individual religious beliefs and practices within the constraints of confinement.

Major Objectives:

Make available the appropriate worship services of the various religious disciplines represented within the inmate population.

Provide a variety of non-worship religious program options.

Basic Program Description: Within the correctional setting, where it is common for prisoners to have poor self images, continuing guilt feelings, and to be suffering the corrosive effects of confinement (i.e., loss of liberty, goods and services, heterosexual relationships, autonomy, security, sensory and emotional stimulus, privacy, identity and legitimate social purposes), religious programs have a major role in assisting prisoners. Chaplaincy personnel within FRS are responsible for personally delivering the religious services of their particular faith group and for arranging the delivery of religious services of other faith groups through either contract or volunteer clergy from the community. The delivery of religious services is required five days per week including evenings.

Currently, all FRS facilities employ a professionally trained Chaplain with the exception of the Federal Detention Center, Florence, Arizona and the Metropolitan Correctional Center, Tucson, Arizona; and 50% of FRS facilities have two Chaplains. Normally, these Chaplains represent the larger faith groups, requiring FRS to annually issue approximately 200 contracts for the delivery of services of the smaller faith groups and other related religious services. FRS Chaplains also recruit, train, supervise, and sustain approximately 2,500 volunteers from the community who regularly visit the institution to participate in the religious programming. The volunteers come from all segments of society.

New commitments to institutions are routinely interviewed and provided information about the available religious resources. Weekly religious activities lists are posted.

Accomplishments and Workload: Actual and estimated accomplishments of the Religious Program are presented in the following table:

Item	1981		1982		Estimates	
	Pos.	WY	Pos.	WY	1983	1984
Worship services.....			25,468	26,916	27,850	28,600
Non-worship services			32,103	32,928	33,400	33,800

Over the past several years, the Religious Program has broadened religious program alternatives making available religious services for the numerous religious disciplines represented within the inmate population. The basic constitutional concept of freedom of religion has been adhered to in the Federal Prison System.

	1983 Appropriation Anticipated			1984 Base			1984 Estimate			Increase/Decrease	
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY
Psychology Program.....	85	94	\$4,177	85	94	\$4,201	85	94	\$4,201	...	...

Long-Range Goal: Provide immediate and long-term psychological care for Federal inmates with mental health problems; provide as humane a correctional environment as possible by mitigating the often corrosive effects of imprisonment; and assist in the decision-making of courts, prison administrators and parole officials.

Major Objectives:

- Provide psychological screening for every inmate admitted to the Federal Prison System.
- Establish base rates of incidence of the different types of mental health problems found in the inmate population.
- Provide psychotherapy to all inmates who desire and need it.
- Provide crisis intervention counseling to every inmate in crisis.
- Develop a standardized program evaluation package for drug abuse treatment programs.
- Provide psychological evaluation requested by the courts, parole officials, and prison administrators.
- Provide staff with training, supervision, and consultation as requested by program managers.
- Implement special treatment programs in drug abuse and alcohol abuse units.

Base Program Description: Psychology staff are an integral part of correctional treatment administering programs of group and individual psychotherapy, crisis intervention, personal development classes, and staff consultation/training. Policy requires that every inmate admitted to a FFS facility be given an initial psychological screening which consists of psychological testing, psychological interview, social history reviews, and behavioral observation. The purposes of the screening are to identify special treatment and/or referral needs, provide information useful in future crisis-counseling situations, identify strengths as well as potential adjustment problems to imprisonment, and discuss possible program needs with the inmates and provide information about them. The Minnesota Multi-Phase Personality Inventory (MMPI) is the psychological screening test used. The results of the screening are summarized in a report placed in both the inmate's central file and the psychological file.

Both individual and group psychotherapy are offered on a voluntary basis to those inmates who express a desire and evidence a need for it. Psychology services are also geared to "life competency skills" training and orientation. The approach has proven successful in improving personal skills and knowledge including communication, assertiveness, self-image, interpersonal relationships, conflict resolution, problem solution and work skills.

Short-term crisis counseling has only recently been acknowledged by mental professionals as a powerful, viable skill. Not only have FFS psychologists gained expertise in this area, but they also have provided training and consultation to staff in all institutions.

FFS psychologists have traditionally provided the courts, parole officials and prison administrators with quality psychological evaluations. With the agreement and cooperation of the U.S. Parole Commission, many presentence evaluations have been diverted from the institution to the community.

There are currently 34 drug abuse programs throughout FFS facilities. In each program, the staff psychologist is responsible for the development, implementation, and evaluation of the treatment programs provided. Many successful and innovative treatment techniques have been developed by these psychologists.

Accomplishments and workload: actual and estimated accomplishments of the Psychology Program are presented in the following table:

Item	1981		1982		Estimates	
	Run.	WY	Run.	WY	Run.	WY
Court evaluations.....					1,600	1,700
Routine evaluations.....					27,000	27,500
Individual therapy sessions.....					26,500	26,500
Group therapy sessions.....					7,000	7,000
Participants in group therapy.....					21,000	21,000
Crisis intervention sessions.....					22,000	23,000
Staff training sessions.....					3,300	3,300
Unit team meetings.....					8,100	8,100

The above workload data for this program accounts for approximately 60 percent of a staff psychologist's time. Other duties, more difficult to measure, include administration, staff consultation/supervision, personal development classes, liaison work, and research.

Activity: Institution Administration and Maintenance	1983 Appropriation Anticipated		1984 Base		1984 Estimate		Increase/Decrease	
	Run.	WY	Run.	WY	Run.	WY	Run.	WY
Institution Administration.....	1,169	1,152	1,169	1,155	1,169	1,155	...	...
Staff Training.....	57	63	57	63	57	63	...	...
Institution Maintenance.....	789	744	789	746	789	746	...	...
Total.....	2,015	1,959	2,015	1,964	2,015	1,964	...	...

This budget activity covers all costs associated with the general administration, operation and maintenance of facilities. Included are functions of the warden's office, legal counsel, personnel, financial management, records office, safety, staff training, mechanical services, motor pool operations, power house operations and other administrative functions.

1983 Appropriation Anticipated	1984 Base		1984 Estimate		Increase/Decrease	
	Run.	WY	Run.	WY	Run.	WY
Institution Administration.....	1,169	1,152	1,169	1,155	...	...

Long-range goal: To continue to provide effective and innovative administration at all institutions and continually seek ways to improve existing administrative practices and procedures.

Major Objectives:

Continue to maintain all financial management information systems to provide managers with timely and accurate information.

Restructure and reorganize financial management to ensure successful implementation and management of automated systems and improve cost center management.

Continue to meet Office of Personnel Management requirements for proper position structure and compensation and continue to update programs for performance appraisal, merit promotions and merit pay to meet changing needs.

Increase the rate of minority hiring from 33 percent to 39 percent and increase the current female hiring from 30 to 36 percent.

Increase promotions to management and supervisory positions for minorities from 14 to 31 percent and for females from 9 percent to 24 percent.

Negotiate local labor contracts.

Implement the SENNY automated sentence computation and population accountability systems.

Meet Occupational Safety and Health Administration, American Correctional Association and Department of Justice safety standards.

Meet environmental health standards.

Base Program Description: The Institution Administration program consists of an Institution's executive staff, business office, personnel office, administrative systems office and safety office.

The financial management program is charged with the management and control of all allotted funds with responsibility for procurement, warehousing, issuing supplies, equipment, contracting for services, disbursement and collection of monies and collection and input of all data for the automated accounting system and employee payroll.

The personnel management program is assembling and maintaining an effective workforce, advertises all vacancies, collects applications, establishes promotion boards and prepares a list of eligibles. The personnel office ensures that all position descriptions are current and accurate. It serves as the management representative to the union, develops manpower plans for institutions and plays a major role in recruiting minorities to meet Equal Employment Opportunity goals.

The administrative systems office is responsible for the processing of detainees and the admission, transfer, sentence computation for and discharge of all Federal prisoners. The admission process entails the identification of inmates, review of court documents, fingerprinting, photographing, and disposition of personal property. Following admission, the Administrative Systems Office performs sentence computation, which involves adjustments due to U.S. Parole Commission action, Institution Disciplinary Committee actions and good time. This office also maintains relationships with Federal, state and local law enforcement agencies, including the courts and parole regarding the criminal status of incarcerated and released inmates. Administrative Systems staff work with the U.S. Marshals Service and Federal Prison System (FPS) bus and airlift personnel to coordinate prisoner transfers and consolidate all inmates' records.

The administrative systems office also provides paralegal services such as answers to show cause orders; determinations in sentence computation problems; interpretations of court orders; representation of the institution in court matters pertaining to inmate records; and providing expert testimony regarding sentence computation.

The safety program involves the inspection of institutions for sanitation, rodents, unsafe working conditions and presence of hazardous chemicals. The safety officer is responsible for processing accident reports and compensation forms for employees.

Accomplishments and Workload: Actual and estimated accomplishments for the Institution Administration program are presented in the following table:

Item	Estimates			
	1981	1982	1983	1984
Purchase Orders.....	84,827	86,100	88,000	88,000
Accounting Transactions.....	766,489	1,400,000	1,500,000	1,500,000
Commitments Processed.....	19,595	21,813	23,098	23,895
Transfers In Process.....	11,576	10,941	13,340	13,800
Other Movement In (Parolees, White, etc.).....	68,309	74,489	79,460	82,200
Discharges.....	11,850	11,777	13,630	14,100
Transfers Out.....	10,700	16,306	12,612	13,047
- Other Movement Out.....	68,948	77,222	81,200	84,000
Detainers Processed.....	14,500	16,521	17,100	17,700
Personnel Actions (Internal Placement).....	1,400	1,500	1,760	1,900
Safety Inspections.....	4,210	4,360	4,400	4,400
Accident/Injury Investigations.....	1,750	1,800	1,850	1,850
Fire Investigations.....	390	435	500	500

The workload of financial management has increased significantly as a result of the imposition by the Congress and the Department of Justice, of detailed fund controls. To ensure that the Federal Prison System operates within these controls and restraints, an automated on-line Financial Management Information System has been developed and activated. This system affords management instant information with regard to funds and established limitation levels.

The number of internal financial management reviews each year has been increased, as well as the scope of the reviews. An automated property management system and a real property system has been implemented to eliminate deficiencies cited by General Accounting Office and Department of Justice audits.

In 1982, the Federal Prison System requested and the Office of Personnel Management approved action to establish a new discipline within the Institution Administration program known as Administrative Systems Management (ASM). The ASM concept consolidates at each institution three disciplines, (the records office, the receiving and discharge office and the mail room) into one new discipline. This consolidation allows for more effective and efficient management of these closely related areas.

An automated on-line sentence computation module was implemented.

1983 Appropriation	1984 Base				1984 Estimate				Increase/Decrease	
	Pos.	WY	Amount	Pos.	Pos.	WY	Amount	Pos.	WY	Amount
Anticipated										
Staff Training.....	57	63	\$5,558	57	63	\$5,764	57	63	\$5,764	...

Long-Range Goal: To communicate current policies and procedures to all staff and to teach them the skills and techniques necessary to maintain a safe, secure and productive correctional environment.

Major Objectives:

To provide 31,072 instances of training by 1984 as follows:

- Annual job specialty training for 4,050 employees.
- Annual executive/management classes for 200 employees including SSS candidates and incumbents.
- Basic correctional training for all new staff (1,104 instances).
- Advanced correctional classes for 36 experienced employees.
- Instruction for 736 trainers, supervisors, and managers.
- Annual correctional training for 4,000 employees.
- Institution-based operations training for all staff (20,646 instances).

Base Program Description: Staff training is being provided on site at each of the institutions; at three residential training centers; through external training provided by the Office of Personnel Management and other Federal agencies; by colleges and universities; and by private agencies.

The Federal Prison System operates a training center at Glynn, Georgia which provides three weeks of introductory correctional training for all new employees. This modern facility accommodates up to forty-eight students. The training center facilities include housing for the students, rifle ranges, and adequate space for firearms, self-defense, and disturbance control training. Course materials are organized and written and provide instruction on abnormal behavior, community programs, counseling systems, the dynamics of prejudice, equal employment opportunity, employee conduct and responsibility, employee stress management, escapes, fire prevention, first aid, correctional practices, inmate discipline, interpersonal communications, and legal issues.

Most of the FPS's meetings, workshops, and conferences are held at the management and specialty training center in Denver, Colorado. This center can house thirty-five students at costs substantially less than they would be at a motel. The center conducts a wide range of courses for supervisors and program managers and also trains trainers for the institutions' locally conducted courses. These include courses for equal employment opportunity counselors, unit managers, correctional counselors, correctional supervisors, medical records technicians, hospital administrative officers, case managers, and industrial mid-managers. The training center offers courses for required instructor certification in firearms, self-defense, disturbance control, and interpersonal communications.

The Oxford correctional institution operates a center which offers training for all food service personnel.

Accomplishments and Workload: Actual and estimated accomplishments for the Staff Training program are presented in the following table:

Item	Estimates		
	1981	1982	1983
External Training Provided:.....	3,833	3,504	3,600
SIC Training Provided:.....	1,311	996	1,400
MSJC Training Provided:.....	791	1,020	736
Internal Training Provided:.....	24,646	27,899	25,296

In 1979, the training program delivered 19,806 instances of training to nearly 10,000 employees. The number of training instances increased to 25,000 in 1980; 30,500 in 1981; and 33,419 for 1982. The number of training instances is estimated to remain at approximately 1982 levels for 1983 and 1984.

1983 Appropriation	Anticipated			1984 Base			1984 Estimate			Increase/Decrease	
	Rem.	NY	Amount	Rem.	NY	Amount	Rem.	NY	Amount	Rem.	NY
Institution Maintenance.....	789	744	\$56,442	789	746	\$61,099	789	746	\$61,099	...	...

Long-range goal: Continue preventive maintenance program, provide continuous service of all utilities in the most energy efficient manner, and provide transportation services in support of institutional operations.

Major Objectives:

- Complete approximately 850 major repair projects and 110,000 minor repair projects in 1984.
- Provide 24-hour coverage in high pressure boiler plants as required by the NEPA, Code 85.
- Continue the program of reducing motor vehicle fuel consumption by 20 percent based on 1979 usage.
- Comply with requirements of NEPA, 101 Life Safety Code as it pertains to penal facilities.

Base Program Description: Institution maintenance requirements are identified through facilities inspections conducted as part of the ongoing preventive maintenance program through formal semiannual inspections, and through requests for specific needs identified by Institution staff members. This program provides for maintenance projects estimated to cost \$4,000 or less. Maintenance requirements in excess of \$4,000 are included in the "Modernization and Repair" program of the "Buildings and Facilities" appropriation.

The work within this program is accomplished almost entirely by inmate crews under staff supervision. Each work crew consists of a staff foreman and between five and fifteen inmates. Each institution must have staff with experience and training in each phase of construction and maintenance work. Highly skilled work foremen are required in several trades such as steamfitters, air conditioning mechanics and electronics repairmen. A few specific jobs are contracted out because special skills or equipment items are required, or because the work may be extremely dangerous. Examples of these jobs are elevator inspection and repair, radio frequency alignment, and water tower painting.

Accomplishments and Workload: Actual and estimated accomplishments of the Institution Maintenance program are presented in the following table:

Item	1981		1982		1983		1984	
	Actual	Estimate	Actual	Estimate	Actual	Estimate	Actual	Estimate
Major maintenance projects completed (\$200-\$4,000).....	828	728	880	880	110,000	110,000	110,000	110,000
Minor maintenance projects completed (\$200 or less).....	114,379	123,531	30	30	91	91	91	91
Power plants operated.....	30	30	30	30	30	30	30	30
Percentage of power plants operated with 24 hour coverage.....	6,637,383	6,355,512	6,600,000	6,600,000	6,600,000	6,600,000	6,600,000	6,600,000
Vehicle miles driven.....	6,637,383	6,355,512	6,600,000	6,600,000	6,600,000	6,600,000	6,600,000	6,600,000

Activity: Community Corrections	1983 Appropriation Anticipated			1984 Base			1984 Estimate			Increase/Decrease		
	Rum.			Rum.			Rum.			Rum.		
	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount

Community Programs Management.....	74	79	\$3,804	74	79	\$3,867	74	79	\$3,867	...	...	...
Contract Community Treatment Centers..	...	...	19,434	...	...	22,404	...	...	28,500	...	...	\$6,096
Total.....	74	79	23,238	74	79	26,271	74	79	32,367	...	...	6,096

This budget activity provides for the care of Federal offenders in contract community residential centers. Funds for this activity also support the contract development and monitoring activities of the Community Program Managers, formerly called Community Program Officers.

1983 Appropriation Anticipated	1984 Base			1984 Estimate			Increase/Decrease		
	Rum.			Rum.			Rum.		
	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount

Community Programs Management.....	74	79	\$3,804	74	79	\$3,867	74	79	\$3,867
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Long-Range Goal: Manage resources for confinement of offenders in non-federal facilities including state and local correctional institutions, juvenile facilities, local detention facilities (jails), and community based facilities and provide liaison between these agencies, the U.S. Marshal Service, U.S. Prudential Service, U.S. Parole Commission, Federal Courts, and the Federal Prison System.

Major Objectives:

Contract for the confinement of all Federal juveniles in appropriate non-federal juvenile facilities.

Contract for the confinement of adult offenders who would be in danger in FFS facilities or whose special program needs cannot be met in FFS facilities.

Contract for the confinement of adult offenders with sentences of up to 180 days in local detention facilities.

Contract for 100 percent of the community residential program bed space.

Monitor contract Community Treatment Centers with less than 1,000 inmates days a year annually (minor use facility), and those with 1,000 inmates days or more biannually (major use facility).

Provide training for all contractors annually.

Provide accurate and timely information to the Central Inmate Monitoring and Witness Protection tracking system.

Keep the Federal law enforcement agencies aware of changes in FFS policy, sentencing alternatives and other areas of concern.

Maintain close relationships with state and local correctional agencies to exchange information and manage resources.

Provide individual case management services to inmates confined in contract facilities.

Base Program Description: Community Programs Managers (CPM's), formerly called Community Programs Officers, negotiate and monitor contracts for the boarding of Federal offenders in State and local institutions and for non-Federal Community Treatment Centers. Contracts are maintained with private, state and local juvenile facilities for the placement of all committed juveniles with state correctional institutions, largely for inmates who are not safe in Federal facilities (protection cases) and those who have very special needs not met by FTS institutions; and with local detention facilities for those offenders with up to 180 days to serve, or those recommended for local confinement by the court. Contracts are also maintained with non-Federal community treatment centers to provide services to inmates as they attempt to establish themselves as fully functioning citizens while still under supervision and provide case management services to all Federal inmates placed in non-Federal institutions. The CPM's also make recommendations for designation of newly sentenced offenders, are responsible for the placement of direct commitments to non-Federal facilities. They serve as technical consultants to contractors on FTS Policy.

In addition, CPM's serve as the FTS liaison with members of the U.S. Marshal Service, U.S. Probation Service, U.S. Parole Commission, Federal courts, other Federal agencies, state and local government agencies and local community agencies.

There are presently 41 CPM's stationed in 34 major cities throughout the United States.

Accomplishments and Workload: Actual and estimated accomplishments for Federal Community Programs are presented in the following table:

Items	1981		1982		Participates	
	Pos.	WY	Pos.	WY	1983	1984
Number of contracts with juvenile facilities.....			66	66	70	70
Number of contracts with adult facilities.....			52	52	55	60
Number of contracts with jails.....			405	405	410	410
Number of contracts with community treatment centers.....			313	313	313	350
Contract monitoring:						
Major use facility.....			52A	50A	75A	100A
Minor use facility.....			58A	59A	75A	100A
Designations.....			21,200	20,000	22,000	22,500

Major accomplishments in 1982 which will improve the future delivery of services were the implementation of CPM audit procedure; comprehensive correctional requirements training for most of the large contractors; and the location of on-line inmate information (SANTRE) terminals in CPM offices (installation will be completed in 1983).

Contract Community Treatment Centers..	1983 Appropriation Anticipated		1984 Base		1984 Estimate		Increase/Decrease	
	Pos.	WY	Pos.	WY	Pos.	WY	Pos.	WY
	\$19,434	...	\$22,404	...	\$28,500	...
								\$6,096

Long-Range Goal: To provide high quality community-based residential correctional programs for all eligible federal prisoners who need transitional programming at the end of their sentences; who the courts determine should be placed in these community-based facilities as an alternative to placement in correctional institutions, and who are not adjusting well in the community under supervision and need additional attention.

Major Objectives:

Provide community residential resources to all eligible FRS releases.

Release inmates to CTOs for an average length of stay of 100 days.

Provide 100% of the community residential program bed-spaces requested by Federal courts, the Probation Service and the Parole Commission.

Base Program Description: Community Program Managers (CMP's), who are stationed in major cities across the country are responsible for contracting with private community treatment centers for community residential bed-spaces, monitoring the centers to insure they are complying with FRS work requirements, making suggestions for improvement and providing technical assistance to contractors. (See the decision unit "Community Program Management".)

The basic services provided by CTOs are: (1) pre-release transition programs for eligible offenders returning to the community at the end of their sentence; (2) community-based residential alternatives to confinement in regular penal institutions for those sentenced offenders the Federal courts determine need more than probation and less than full institution confinement and services; and (3) community-based residential care for offenders who are under probation or parole supervision but who need more intensive services and/or programs than can be provided under the "street" supervision of the U.S. Probation Officer.

Contract CTOs provide services to inmates attempting to establish themselves as fully functioning citizens while still under supervision. Available services include individual and group counseling, supervised living quarters, employment and placement assistance.

Accomplishments and Workload: Actual and estimated accomplishments for the Contract CTC program are presented in the following table:

Item	Estimates		
	1981	1982	1983
Total Residents Admitted.....	7,412	6,405	7,340
Pre-Releasees Admitted.....	6,140	5,382	6,110
Court Referrals Admitted.....	534	522	500
Probation/Parole Referrals Admitted.....	738	501	700
Average daily CTC population.....	2,461	1,425	1,800
Average length of stay in CTCs (days).....	106	81	90

During 1982, more effective linkages were established with inmates' institution work experience and vocational training programs to enhance their employment counseling and job placement while in a CTC. A pilot program was also developed for implementation in 1983 in the U.C. area) for offenders with sentences of up to one year for whom institutionalization is unnecessary but probation is either not appropriate or adequate.

Program Changes: FRS is requesting \$6,096,000 to provide community residential resources to all eligible FRS releases for an average length of stay of 100 days as compared to 90 days at the base level. In addition to accomplishing all major objectives of this program, this request is an important part of FRS's overall plan to reduce overcrowding in its facilities. (Our current population of 28,900, which excludes FRS releases in contract CTC's, is housed in facilities which are rated for a capacity of 24,072, resulting in a 4,828 bed deficit or overcrowding rate of 20%.) By increasing the average length of stay from 90 to 100 days, FRS would be able to maintain an average daily population of 2,295 in contract CTC's as compared to 1,800 at the base level. This increase in CTC based population of 495 results in a like reduction to institution based population and thus reduces overcrowding. Without this increase FRS would need to revise its construction plans to include an additional 500-bed Federal Correctional Institution at a cost of approximately \$35,000,000.

Activity: Program Direction	1983 Appropriation Anticipated			1984 Base			1984 Estimate			Increase/Decrease		
	Pos.			Pos.			Pos.			Pos.		
	WY	Amount	WY	Amount	WY	Amount	WY	Amount	WY	Amount	WY	Amount
Executive Direction and Control.....	216	248	\$10,282	216	248	\$10,381	216	248	...	\$10,381	...	...
Administrative Services.....	181	195	14,176	181	195	15,125	181	195	...	15,125	...	...
Total.....	397	443	24,458	397	443	25,506	397	443	...	25,506	...	...

This budget activity covers the costs of regional and central office executive direction and management support functions such as the executive staff, regional and central office program managers, research and evaluation, program analysis, budget development, policy development and implementation, system support, financial management, personnel, MOP, space management, and legal services.

1983 Appropriation Anticipated	1984 Base			1984 Estimate			Increase/Decrease				
	Pos.			Pos.			Pos.				
	WY	Amount	WY	Amount	WY	Amount	WY	Amount	WY	Amount	
Executive Direction and Control....	216	248	\$10,282	216	248	\$10,381	216	248	\$10,381

Long-Range Goal: To continue providing effective, comprehensive direction and leadership to the Federal Prison System (FPS) by coordinating, initiating and evaluating planning and operational activities through the various central office branch chiefs, regional office program managers, and the executive staff.

Major Objectives:

Establish and enunciate policy.

Provide legal counsel on correctional issues.

Plan, develop, coordinate, and evaluate FPS programs and activities.

Investigate alleged employee misconduct.

Maintain capabilities to respond effectively to public and congressional inquiries.

Assist when necessary and appropriate state correctional systems, the District of Columbia Department of Corrections, the U.S. Marshal Service, the Immigration and Naturalization Service and other jurisdictions experiencing difficulty by housing their offenders.

Assist state and local governments in their efforts to acquire surplus Federal property for correctional use.

Have all Federal institutions as well as Central and Regional Offices accredited by the Commission on Accreditation for Corrections.

Base Program Description: The overall administration of the Federal Prison System is located in the central office and five regional offices. The following describes the organization and functions of these offices.

The Executive Staff which plays a major role in FPS management and operations, includes the Director, all Assistant Directors, Medical Director, Associate Commissioner for Federal Prison Industries, and all Regional Directors. The Executive Staff reviews all major issues and determines major policy for the FPS.

The General Counsel provides legal assistance and advice to the Federal Prison System including adjudication of grievances and appeals filed under the FPI's EAO program; review of FVA requests; final appeal on Administrative Remedy Procedures; coordination of litigation; interpretation of laws and directives; review of policy and procedures for legal implications; and other legal assistance as necessary.

The Assistant Director for Correctional Programs is responsible for programs for the care, custody and correction of inmates including institution security, inmate custody, case management, unit management, chaplaincy and psychology services, staff training, research, and education and leisure programs. He is also responsible for the function of personnel management.

The Director of the Medical and Services Division is responsible for establishing a system-wide health care program. The Medical Director is also responsible for the FPI's farm operations, food services, inmate compensation programs, and safety and sanitation.

The Assistant Director for Planning and Development is responsible for the FPI's construction and mechanical services activities for new and existing facilities; program planning and evaluation; budget development; and financial management.

The Associate Commissioner for Federal Prison Industries (FPI) reports directly to the Director and to the Federal Prison Industries Board of Directors. The Associate Commissioner is responsible for four major functional areas: FPI Industrial Operations and Corporate Management; Community Programs; Correctional Standards; and Information Systems.

The Office of Inspections is responsible for investigating violations of standards of professional conduct by employees and officials of the Federal Prison System and for providing overall guidance in program auditing.

In August 1961, the Federal Prison System established a Clearinghouse for Federal surplus property to assist state and local governments in their efforts to acquire surplus Federal property. FPI maintains a listing of Federal surplus property which it will distribute to interested parties; provides the names and addresses of General Services Administration officials (GSA is the Federal agency that processes all applications and lists for surplus Federal property); and assists the state or local governments in their application process.

Accomplishments and Workload: Actual and estimated accomplishments for the Executive Direction and Control program are presented in the following table:

Item	Estimates			
	1961	1962	1963	1964
Policy Statements Issued.....	49	52	50	50
Change Notices.....	47	62	60	60
Operations Memoranda.....	321	338	327	327
Meetings, Workshops, Audits, Conferences, Staff Assistance Visits.....	1,409	1,500	2,000	2,000
Budget Back-up, Program Analysis, Projects Facilities Analysis, Capabilities, Staffing Patterns, Chart Preparation, Special Assignments.....	118	142	175	175
Public Affairs Reports and Requests.....	4,500	4,500	4,500	4,500
Constitutional Inquiries.....	5,620	5,800	5,800	5,800
Fort Claims.....	1,789	1,914	2,050	2,150
FOI/Privacy Act Cases.....	2,997	3,450	3,650	3,800
Administrative Remedy Cases.....	20,330	20,000	20,000	20,000
EAO Cases.....	71	68	65	60
Investigations of Alleged Violation of Standards of Professional Conduct.....	196	190	190	190
Audit Reviews.....	330	400	450	450

During 1982, the FRS designated the Federal Correctional Institutions at Hayswood, WI; Petersburg, VA; and Englewood, CO as the FRS facilities to exclusively house Youth Corrections Act offenders. This action resulted from the Federal court case *Harris v. Haden*, 651 F.2d 354 (1981), which required the FRS to afford separate treatment for youth offenders, including persons sentenced under 18 U.S.C. 5010a, 5010c, 5010e and 3041c.

The FRS frequently lends assistance to many state correctional systems experiencing difficulty by housing their offenders. Currently, there are approximately 865 state offenders in FRS facilities. In addition to state prisoners, there are approximately 1,411 from the District of Columbia, 32 from Guam, 84 from Puerto Rico, 55 from the Virgin Islands and 16 from the Canal Zone. To assist the U.S. Marshals Service in housing unsentenced federal prisoners, due to their inability to lease or negotiate contracts with state and local jails because of overcrowding, the FRS has established or expanded jail units for pre-trial detainees at several institutions including the Danbury, Bagdrop, Terminal Island, Haphis, Milan and Talladega Federal Correctional Institutions and the Metropolitan Correctional Centers at Chicago, Miami, New York, San Diego and Tucson. There are approximately 2,051 pre-trial detainees in FRS facilities. At the request of the Immigration and Naturalization Service, the FRS also is housing approximately 1,128 Cuban refugees and out-processes over 600 Haitian refugees previously confined in the Federal Prison System.

To date the Clearinghouse for Surplus Federal Property for Correctional Use has had over 200 inquiries. Federal properties have already been turned over to the States of New York, Indiana, New Jersey, and Minden County, Nevada. Other transfers are pending in New York, Florida, Indiana, Puerto Rico, and Montana.

FRS institutions continued the accreditation process. To date, 17 institutions have been accredited and 7 institutions are in the process of being accredited. The remaining institutions will be involved in the accreditation process during the next 2 years.

During 1982, the Office of Research performed studies on the nature and extent of inmate violence, the nature and extent of employee misconduct, the impact of the Youth Corrections Act Action Plan on the Federal Prison System, and the influence the amount of living space has on the inmates well-being. In addition, Research reports on prior statistics were completed including reports on sexual assaults, the research program at FCI, Butner, NC, and training needs of the National Academy of Corrections. Also, a book of research abstracts for 1978-1980 was distributed to state corrections departments and correctional libraries.

	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease	
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY
Administrative Services.....	181	195	\$14,176	181	195	\$15,125	181	195	\$15,125	...	...

Long-Range Goal: Provide for effective personnel administration including equal employment opportunity; an efficient and responsive financial management system including procurement and property management; and systems support administration and oversight.

Major Objectives:

- Increase the rate of hiring minorities from 33 percent to 39 percent and increase the current rate of hiring females from 30 to 36 percent.
- Increase the number of promotions to management and supervisory positions for minorities from 14 percent to 31 percent and for females from 9 percent to 24 percent.
- Review local labor contracts as they are negotiated assuring compliance with master agreement prior to approval.

Complete analysis of all Merit System Protection Board and arbitration decisions of the past 12 months to determine patterns and identify potential problems.

Provide current and accurate financial management information.

Place more emphasis on cost center management (primarily through training) to ensure greater program manager involvement in the management of funds.

Conduct financial management reviews at all institutions.

Continue to implement SSM/NM multi-terminal systems in 1984.

Improve system-wide service and teletype telecommunication system.

Base Program Description: The central and five regional offices are responsible for the functions of personnel management; maintenance of equal employment opportunity; medical services; financial management, including procurement and property management; and MVS services, records management, mail, printing, reproduction, and space management.

Personnel administration is largely regulated by the government-wide merit system and requires considerable planning and coordination with both the Department of Justice and the Office of Personnel Management. Coordination is necessary with colleges, high schools, civic groups, public and private groups and organizations in order to recruit an efficient work force. Increasing minority and women hiring is accomplished through recruitment campaigns, visits to colleges and universities and other similar programs. EEO specialists have been placed in each region in order to help carry out this program.

Training is provided to appropriate personnel in labor/management relations and arbitration. Provisions of newly negotiated Master Agreements and local supplemental agreements are communicated widely to increase employee involvement, particularly field employees, in the process. Merit System Protection Board and arbitration cases are reviewed and analyzed to provide more thorough insight into labor/management policy problems.

Financial Management provides for the design, development, and implementation of financial systems and the maintenance and continuous analysis, evaluation and modification of existing systems to ensure compliance with statutory and regulatory requirements and meet the administrative needs of the FRS. Financial Management establishes property accounting, cost-based budgeting practices and suitable internal control procedures; and develops and provides financial reports on the fiscal status, financial results of operations, and the cost of the FRS's operations. Financial Management is also responsible for the development of the FRS's financial operating plans and the administration of funds appropriated to the FRS. Financial audits are conducted to ensure field compliance with policies and regulations. These audits are scheduled to accomplish a financial review of each field location every 18 months.

The Property Management and Procurement functions are also the responsibility of Financial Management. This includes procurement authority for all services and supplies; the administration of regulations for all procurement and personal property and administrative legal claims matters; and the review and interpretation of statutes and regulations of other government agencies relating to all phases of property management and procurement.

In addition, Financial Management is responsible for special inmate services (including commissary, inmate trust fund, and laundry). Commissary operations provide opportunities for inmates to purchase items above the necessities of life. Inmate trust fund operations account for all monies on deposit for each inmate. Laundry operations provide all inmates clean clothing, footwear and linens. Other inmate services include provisions for toiletries and writing supplies.

The FFS's current information system provides a variety of demographic information on the inmate population, but its use is limited because the information is not definitive, is not timely and frequently, is inaccurate. For the past few years the FFS has been involved in the implementation of the SENTRY system, a system which will perform up-to-the minute locator status information on all individuals under the custody of the Attorney General. It will provide population counts and refined inmate demographic statistics; interagency and intra-institution population movement, schedules, notices, and statistics; and it will automatically compute and update sentence computations. It will also provide for base program data for management of the Omniscient Trust Fund operations.

Accomplishments and Workload: Actual and estimated accomplishments for the Administrative Services program are presented in the following table:

Item	1981	1982	Estimates	
			1983	1984
Personnel Surveys.....	22	22	22	22
SFO Recruitment Activities.....	25	25	25	25
Representation of Women in the FFS Workforce.....	19	19	24	24
Representation of Minorities in the FFS Workforce.....	22	24	27	31
New Hires - Women.....	23	30	33	36
New Hires - Minorities.....	30	33	36	39
Promotions - Women.....	6	9	21	24
Promotions - Minorities.....	12	14	27	31
Arbitration Cases.....	83	95	95	95
Financial Management Reviews.....	28	26	31	31
System Support Batch NPS-Supportal Sites.....	52	53	53	53
USP SENTRY Sites.....	62	53	86	88
USMS SENTRY Sites.....	2	6	6	6
USPC SENTRY Sites.....	6	6	6	6
DOJ SENTRY Sites.....	0	1	1	1

All negotiated local labor agreements were reviewed for compliance.

A FFS-wide position classification study of blue collar positions was initiated.

The Performance Evaluation program was revised to conform to the Civil Service Reform Act and all appropriate GS-13 thru GS-15 employees were converted to Merit Pay Status.

FFS initiated action to expand the Automated Property Management System to include Real Property and Motor Vehicle data.

During 1981, all FFS facilities were equipped with a single SENTRY terminal to meet immediate needs pending procurement action on multi-terminal systems. Fifteen sites were equipped with multiple terminals. During 1982, an additional eighteen sites were equipped with multi-terminal systems. In addition, a Legal Reference System and an Electronic Mail Module were added to the SENTRY System. Also, in 1982, the Office of Enforcement Operations in the Department of Justice was added to the network.

Federal Prison System

Status of Congressional Requested
Studies, Reports, and Evaluations

1. Senate Judiciary Committee Report 97-94, dated May 15, 1981, relating to the Department of Justice Authorization Act for 1982, requested the following studies and reports:
 - A periodic progress report on the conversion of the Leavenworth, Kansas Penitentiary to a smaller more modern facility. The Federal Prison System (FPS) is providing a progress report to the Committee on March and October 1st of each year through completion of the conversion.
 - A thorough review of the use of the Atlanta, Georgia Penitentiary. The FPS has reviewed the alternatives concerning the Atlanta Penitentiary and has recommended to the Senate and House Judiciary Committees the continued use of the USP at Atlanta by the FPS.
 - A report on the feasibility of private sector jobs for Federal inmates. The Department of Justice Evaluation Staff, in collaboration with the FPS, continues work on this report which is expected to be completed in May, 1983.

Federal Prison System
Salaries and expenses
Detail of Permanent Positions by Category
Fiscal Years 1982-1984

Category	1982 Authorized	1983 Authorized	Transfer In the Estimates	1984	
				Program Increases	Total
Attorneys (905).....	10	10	...	...	10
Paralegal Specialists (950).....	15	53	...	...	53
Other Legal and Kindred (900-998).....	1	208	...	...	208
Correctional Institution Administration (006).....	489	452	...	...	452
Correctional Officers (007).....	4,136	4,201	...	54	4,255
Other Miscellaneous Occupations (001-099).....	125	128	...	...	128
Social Sciences, Biometrics and Kindred (100-199).....	571	571	...	...	571
Personnel Management (200-299).....	201	201	...	...	201
General Admin Clerical and Office Services (300-399).....	682	687	...	...	687
Biological Sciences (400-499).....	2	1	...	...	1
Accounting and Budget (500-599).....	319	321	...	...	321
Medical, Dental, and Public Health (600-799).....	632	685	46	106	837
Engineering and Architecture Group (800-899).....	26	22	...	...	22
Information and Arts Group (1000-1099).....	4	2	...	...	2
Business and Industry Group (1100-1199).....	63	81	...	...	81
Mathematics and Statistics Group (1500-1599).....	1	1	...	...	1
Equipment, Facilities and Service Group (1600-1699).....	179	174	...	...	174
Education Group (1410-1411; 1700-1799).....	290	271	...	...	271
Supply Group (2000-2099).....	52	50	...	...	50
Transportation (2100-2199).....	...	...	...	...	...
Ungraded (culinary, farm, mechanical & construction).....	1,081	1,093	...	...	1,093
Total.....	9,079	9,212	46	160	9,418
Washington.....	212	219	...	...	219
U.S. Field.....	8,867	8,993	46	160	9,199
Total.....	9,079	9,212	46	160	9,418

Federal Prison System

Salaries and expenses

Summary of Adjustments to Base
(dollars in thousands)

	Perm. Pos.	Work- years	Amount
1963 as enacted.....	9,085	8,803	\$367,049
Pay increase supplemental requested:			Amount
Increased pay costs.....			\$9,770
Medicare costs.....			2,268
Amount absorbed.....			-1,605
Net pay supplemental.....	...	...	10,372
1963 appropriation anticipated.....	9,085	8,803	397,422
Adjustments to base:			
Transfer to and from other accounts:			
Transfer from the Department of Health and Human Services.....	46	42	...
Uncontrollable increases:			
Annualization of the 1963 pay increase.....	...	...	1,605
Annualization of Executive Level pay increase.....	...	...	61
Annualization of Medicare costs.....	...	...	631
Annualization of positions approved in 1963 (Ht. Layover).....	...	23	1,503
Within-grade increases.....	...	...	1,909
Health benefits costs.....	...	...	886
Federal Employees' Compensation Act (FECA).....	...	...	1,344
Standard Level User Charges.....	...	...	970
GSA recurring reimbursable services.....	...	...	26
Federal Telecommunications System.....	...	...	320
Telephone system line charges.....	...	...	20
Full-field investigation.....	...	...	211
Government Printing Office printing costs.....	...	...	3
Employee data and payroll services.....	...	...	59
General pricing level adjustment.....	...	...	7,160
Utilities cost increase.....	...	...	2,963
Regulation adjustment.....	...	...	1,834
HIS indirect pay costs.....	...	...	474
Total, uncontrollable increases.....	...	23	22,047
Decreases:			
One less compensable day.....	...	...	-978
Non-recurring cost for change in hourly rate.....	...	...	-717
Non-recurring facilities activation costs.....	...	...	-708
Department telecommunications reallocation.....	...	...	-340
Total, decreases.....	...	...	-2,743
1964 Base.....	9,131	8,869	416,726

Federal Prison System
Salaries and expenses
Justification of Adjustments to Base
(dollars in thousands)

	<u>Perm. Pos.</u>	<u>Work- years</u>	<u>Amount</u>
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Transfers to and from other accounts:

1. Transfer from the Department of Health and Human Services.....
- Phase-out of the United States Public Health Service (PHS) Commissioned Officer Corps, serving in the Federal Prison System, began in 1983. This provides 46 positions and 42 workyears to continue the conversion from PHS to civil service doctors.

	46	42	...
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Uncontrollable Increases:

1. Annualization of the 1983 pay increases.....
- This provides for the annualization of the October 3, 1982 pay increase contained in the Executive Order 12387. Of the pay raises requirement of \$11,089,000, \$1,605,000 was absorbed in 1983.
2. Annualization of Executive Level pay increases.....
- This provides for the annualization of the January 1, 1983 Executive Level pay increase contained in P.L. 97-377. The request of \$61,000 covers the period from October 1 to December 31, 1982 which was not funded in 1983.
3. Annualization of Medicare costs.....
- This provides for full funding for the 1.3 per cent Federal share of the Medicare Hospital Insurance Tax to Federal employees as required by P.L. 97-249, The Tax Equity and Fiscal Responsibility Act of 1982. The request of \$631,000 covers the period from October 1 to December 11, 1982, which was not funded in 1983.
4. Annualization of 46 positions requested in 1983 for the activation of the Federal Prison Camp (FPC), Ft. Laguna, California.....
- This provides for the annualization of 4 additional positions for food services, 3 additional positions for medical services, 2 additional positions for other inmate services, 18 additional positions for institution security, 5 additional positions for unit management, 1 additional for general and occupational education programs, 1 additional position for leisure programs, 1 additional position for religious programs, 7 additional positions for institution administration, and 4 additional positions for institution maintenance, approved in 1983 for activation of the FPC, Ft. Laguna, California.

.....	...	...	\$1,605
.....	...	...	61
.....	...	...	631
.....	...	23	1,503

Item. Pos.	Work- years	Amount
8. Standard level user charges (SLUC).....	...	9970
Section 108 of P.L. 97-377, Continuing Resolution for 1983, prohibits agencies from paying the General Services Administration (GSA) a higher rate per square foot for the rental of space and services in 1983 than they paid in 1982. In keeping with the Administration's policy that charges for space shall be consistent with market rates, the request includes \$601,000 to restore cuts made in 1983 and \$369,000 for 1984 price level adjustments and the annualization of the 1983 space inventory.		
9. GSA recurring reimbursable services.....	...	26
The General Services Administration provides additional heating, ventilation, air conditioning (HVAC) and guard services on a reimbursable basis. A \$26,000 increase is requested for guard service to maintain the same level of service in 1984 as in 1983.		
10. Federal Telecommunications System.....	...	338
The FTS increase reflects the advance billing provided to the Department of Justice by the General Services Administration. In 1984, the uncontrollable increase will be \$328,000.		
11. Telephone system line charges.....	...	20
The cost of providing CEN/NEC telephone switchboard service to Department users has increased from \$40.10 to \$27.66 per telephone line. A 19.6% increase was granted to GSA in 1982. Additionally, a 30 percent increase is proposed for 1983. An uncontrollable increase of \$20,000 over the 1983 base is required to cover the higher rated in 1984.		
12. Full field investigations.....	...	211
Costs in this area have increased as the result of a projection by the Office of Personnel Management (OPM) for FY 1983, which raised the standard rate charged for each full-field investigation by \$150 over the FY 1982 base cost of \$1,400. The request of \$211,000 reflects the 1984 requirement for full-field investigations at the current rate of \$1,450.		
13. GPO printing costs.....	...	3
The Government Printing Office (GPO) is currently projecting a five percent increase over the FY 1983 printing costs. An additional \$3,000 will be required in FY 1984.		
14. Employee data and payroll services.....	...	59
The Department provides centralized employee data and payroll services. These services include developing, maintaining and operating all departmental information systems concerning employment information as well as centralizing payroll accounting functions. Charges for these services are based on the number of employees paid in each organization. The rate of \$110.00 per employee in 1983 has been raised to \$120.94 for 1984. An uncontrollable increase of \$59,000 is required in 1984.		

Item.	Work- years	Amount
15. General Pricing Level Adjustment.....	...	\$7,160
<p>This request applies the OMB pricing guidance of December 1982 to selected expense categories. The increased costs identified result from applying a factor of 5.3 percent against those sub-object classes where the prices that the government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials equipment, contracts with the private sector, transportation costs and utilities. Excluded from the computation are categories of expense where inflation has already been built into the 1984 estimates.</p>		
16. Utilities costs.....	...	2,963
<p>during 1981, utility costs including gas, electricity, water, sewage, solid waste disposal, fuel oil, coal, etc., increased by 20% or \$4,000,000. This increase is consistent with our experience in 1980 as well as our recent experience during 1982. An uncontrollable increase of \$2,963,000 provides for the same utility services in 1984 as in 1983.</p>		
17. Population adjustments.....	...	1,834
<p>The 1983 estimates as enacted provide for an average daily population of 27,900. Since the preparation of these estimates, the daily population has increased to approximately 28,900 and is projected to continue to increase to an average daily population of 29,000. An additional \$1,834,000 is required in 1984 to provide food, medical, clothing, inmate transportation, unit management, education, recreation, religious and psychology services for the increased population.</p>		
18. Public Health Services (HIS) indirect pay costs.....	...	474
<p>Prior to 1984, agencies utilizing HIS personnel were required to pay the Department of Health and Human Services (HHS) for only direct pay costs. Beginning in 1984, all non-HHS agencies utilizing HIS Commissioned Officers will be required to pay indirect pay costs such as retirement, health benefits, and overhead as well as direct pay costs. An uncontrollable increase of \$474,000 provides for these indirect pay costs in 1984.</p>		
Total uncontrollable increases.....	23	22,047

	<u>Rea.</u>	<u>Mark- years</u>	<u>Amount</u>
<u>Decreases (automatic non-policy)</u>			
1. One less comparable day.....	-\$978
The decrease was derived by dividing total personnel compensation in the current year by 261 days.			
2. Non-recurring cost for change in hourly rate.....	-717
This provides for an overall pay adjustment that results from a change in the basis for computing pay for General Schedule employees. Currently, General Schedule pay is computed on the basis of 260 workdays or 2,080 hours, although 261 or 262 workdays may occur in a calendar year. For 1984 and 1985, section 310(b)(1) of the Omnibus Reconciliation Act of 1982 requires that pay be computed on the basis of 2,087 workdays. Budget estimates for 1984 reflect this new basis and result in a decrease of \$217,000.			
3. Non-recurring facilities activation costs.....	-708
This decrease represents the non-recurring costs for equipment, supplies, and change of official duty station associated with the 1983 activation of the Federal Prison Camp, Ft. Payne, Ala.			
4. Departmental telecommunications redistribution.....	-340
Although no rate increase is expected in departmental telecommunications before or during 1984, a redistribution is necessary to charge using organizations based on actual usage in 1982. This redistribution will decrease the 1983 charge by \$340,000.			
Total, decreases.....	-2,743
Total, adjustments to base.....	46	65	19,304

Federal Prison System
Salaries and expenses
Financial Analysis - Program Changes
(Dollars in thousands)

Item	Food and Pantry Services		Inmate Care and Custody Services		Institution Security		Community Corrections		Total
	Pos. Amount	Pos. Amount	Pos. Amount	Pos. Amount	Pos. Amount	Pos. Amount	Contract CFC's Pos. Amount	Pos. Amount	
<u>Grades</u>									
GS-15.....	...	4 \$194	...	...	...	...	...	4 \$194	
GS-11.....	...	29 711	...	...	...	...	...	29 711	
GS-10.....	...	4 89	...	...	...	...	...	4 89	
GS-9.....	...	32 648	...	...	16 \$324	...	...	48 972	
GS-8.....	...	4 73	...	...	19 348	...	...	23 421	
GS-7.....	...	30 497	...	...	19 315	...	...	49 812	
GS-6.....	...	1 13	...	...	...	...	...	1 13	
GS-5.....	...	2 21	...	...	...	...	...	2 21	
GS-3.....	...	106 2,246	...	54 947	...	...	...	160 3,233	
Total positions and annual rates.....	...	-24 -633	...	...	-987	...	...	-24 -1,820	
Lapses (-).....	
Total workyears and personnel compensation.....	...	82 1,413	...	54	...	...	...	136 1,413	
Other personnel compensation.....	...	58	...	...	...	...	...	58	
Personnel benefits.....	...	235	...	...	...	...	...	235	
Travel and transportation of persons.....	62	...	...	62	
Other services.....	...	340	...	...	33	...	...	373	
Supplies and materials.....	...	105	...	...	32	...	...	137	
Equipment.....	...	350	...	...	...	...	...	350	
Total workyears and obligations, 1904	...	82 2,471	...	54 139	...	...	...	136 6,096	9,537

Federal Prison System

Salaries and expenses

Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and salary ranges	1983 Estimate		1984 Estimate		Increase/Decrease	
	Position & Workyears	Amount	Position & Workyears	Amount	Position & Workyears	Amount
GS-6 \$67,200.....	1		1		...	...
GS-4 \$63,800.....	15		15		...	...
GS-3 \$61,515.....	4		4		...	...
GS-2 \$59,230.....	1		1		...	...
GS/04-15 \$48,553-63,115.....	97		117		20	...
GS/04-14 \$41,277-53,661.....	186		201		15	...
GS/04-13 \$34,930-45,406.....	185		185		...	...
GS-12 \$29,374-38,185.....	604		604		...	...
GS-11 \$24,500-31,861.....	1,088		1,124		36	...
GS-10 \$22,307-29,003.....	44		48		4	...
GS-9 \$20,256-26,331.....	1,152		1,208		56	...
GS-8 \$18,339-23,838.....	1,223		1,246		23	...
GS-7 \$16,599-21,527.....	2,634		2,663		29	...
GS-6 \$14,901-19,374.....	369		369		...	...
GS-5 \$13,369-17,343.....	332		333		1	...
GS-4 \$11,948-15,531.....	42		42		...	...
GS-3 \$10,645-13,840.....	16		18		2	...
Ungraded positions.....	1,092		1,092		...	...
Total appropriated positions.....	9,085	\$220,369	9,291	\$222,950	206	\$2,581
Pay above stated annual rates.....	...	945	...	...	...	-945
Lapses.....	-408	-10,861	-413	-9,921	-5	940
Net savings due to lower pay scales for part of year.....	...	-631	...	...	...	631
Net payment.....	8,677	209,822	8,878	213,029	201	3,207

Federal Prison System
Salaries and expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1983 Estimate		1984 Estimate		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Full-time permanent.....	8,677	\$209,622	8,876	\$213,029	201	\$3,207
11.3 Other than full-time permanent.....	126	1,631	126	1,675	...	-6
11.5 Other personnel compensation:						
Overtime.....	158	5,273	158	5,381	...	108
Other compensation.....	183	8,105	183	8,025	...	-80
Total, workyears and personnel compensation.....	9,144	224,881	9,345	228,110	201	3,229
12 Personnel benefits.....		31,484		35,038		3,554
13 Benefits for former personnel.....		100		100		...
21 Travel and transportation of persons.....		7,677		8,013		336
22 Transportation of things.....		2,006		2,076		70
23.1 Standard level user charges.....		1,267		2,237		970
23.2 Communications, utilities and other rent..		28,015		32,773		4,758
24 Printing and reproduction.....		300		304		4
25 Other services.....		50,575		62,393		11,817
26 Supplies and materials.....		41,382		46,142		4,760
31 Equipment.....		6,154		6,311		157
41 Grants, subsidies, and contributions.....		738		770		32
42 Insurance claims and indemnities.....		19		19		...
Total obligations.....	9,144	394,599	9,345	424,286	201	29,687

Federal Prison System

Salaries and expenses

Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1981 Estimate		1982 Estimate		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount
ALLOCATION TO DEPARTMENT OF HEALTH AND HUMAN SERVICES						
11.1 Personnel compensation:						
Military.....	...	\$1,993	...	\$984	...	-\$1,009
Total workyears and personnel compensation.....	...	1,993	...	904	...	-1,089
12.1 Personnel benefits: Military.....						
21 Travel and transportation of persons.....		783		963		175
22 Transportation of things.....		0		5		-3
24 Printing and reproduction.....		24		19		-5
25 Other services.....		0		4		-4
Total requirements, HHS Allocation.....	...	2,823	...	1,977	...	-846
Total requirements, Salaries and expenses..	9,144	397,422	9,345	406,263	201	28,841
Revelation of obligations to outlays:						
Obligated balance, start-of-year.....		27,154		30,689		
Obligated balance, end-of-year.....		-30,689		-36,465		
Outlays.....		391,887		400,487		

Department of Justice
Federal Prison System
National Institute of Corrections
Estimates for Fiscal Year 1984
Table of Contents

<u>Item</u>	<u>Page</u> <u>Number</u>
Summary Statement.....	1
Proposed Appropriation Language.....	2
Crosswalk of 1983 Changes.....	3
Summary of Requirements.....	4
Justification of Program and Performance.....	5
Status of Congressionally Requested Studies, Reports, and Evaluations.....	7
Detail of Permanent Positions by Category.....	8
Justification of Adjustments to Base.....	9
Summary of Requirements by Grade and Object Class.....	11

Federal Prison System

National Institute of Corrections

Summary Statement

Fiscal Year 1984

The Federal Prison System is requesting for the National Institute of Corrections for 1984, 30 permanent positions, 30 workyears and \$11,665,000. This represents an increase from the 1983 appropriation of \$615,000.

The mission of the National Institute of Corrections (NIC) is to work with state and local governments to assist them in developing and training their corrections staff, to conduct and support research regarding ways to improve correctional programs and to serve as a clearinghouse for information on improvements in corrections.

The Institute seeks to improve correctional practices through a variety of activities, including management and line staff development, research and evaluation, information-sharing, standards development and implementation of improved practices, and technical assistance.

During 1984, the Institute will operate at the current services level and will continue its program emphases on promoting the use of alternatives to incarceration, improving existing and developing new offender classification processes, and assisting in development of ways to address the needs of special offenders. To the extent possible, the Institute will respond to State and local requests for technical assistance and will continue the dissemination of correctional information and technology through its clearinghouse activities. The National Academy of Corrections, which is the focal point for NIC's training activities, will continue efforts to improve the knowledge and skills of sheriffs, jail administrators and other correctional personnel through a variety of training offerings.

Federal Prison System

National Institute of Corrections

Justification of Proposed Changes in Appropriation Language

The 1984 budget estimates include proposed changes in appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

National Institute of Corrections

For carrying out the provisions of sections 4351-4353 of title 18, United States Code, which established a National Institute of Corrections, [\$1,050,000] to remain available until expended.

\$11,665,000

No substantive changes proposed.

Federal Prison System
National Institute of Corrections
Crosswalk of 1983 Changes
(Dollars in thousands)

Activity/Program	1983 President's Budget Request			Congressional Appropriation Actions on 1983 Request			1983 Appropriation Anticipated		
	Pos.	NY	Ant.	Pos.	NY	Ant.	Pos.	NY	Ant.
1. National Institute of Corrections.....	30	30	\$11,054	...	...	-64	30	30	\$11,050

Explanation of Analysis of Changes from 1983 Appropriation Request

Congressional Appropriation Actions

The Congress reduced the amount available to rent space from the General Services Administration and provided that agencies cannot pay GSA a higher rate per square foot for such space in 1983 than they paid in 1982.

<u>Federal Prison System</u>	<u>National Institute of Corrections</u>	<u>Summary of Requirements</u> <u>(Dollars in thousands)</u>
1960	1960	1960
1961	1961	1961
1962	1962	1962
1963	1963	1963
1964	1964	1964
1965	1965	1965
1966	1966	1966
1967	1967	1967
1968	1968	1968
1969	1969	1969
1970	1970	1970
1971	1971	1971
1972	1972	1972
1973	1973	1973
1974	1974	1974
1975	1975	1975
1976	1976	1976
1977	1977	1977
1978	1978	1978
1979	1979	1979
1980	1980	1980
1981	1981	1981
1982	1982	1982
1983	1983	1983
1984	1984	1984
1985	1985	1985
1986	1986	1986
1987	1987	1987
1988	1988	1988
1989	1989	1989
1990	1990	1990
1991	1991	1991
1992	1992	1992
1993	1993	1993
1994	1994	1994
1995	1995	1995
1996	1996	1996
1997	1997	1997
1998	1998	1998
1999	1999	1999
2000	2000	2000
2001	2001	2001
2002	2002	2002
2003	2003	2003
2004	2004	2004
2005	2005	2005
2006	2006	2006
2007	2007	2007
2008	2008	2008
2009	2009	2009
2010	2010	2010
2011	2011	2011
2012	2012	2012
2013	2013	2013
2014	2014	2014
2015	2015	2015
2016	2016	2016
2017	2017	2017
2018	2018	2018
2019	2019	2019
2020	2020	2020
2021	2021	2021
2022	2022	2022
2023	2023	2023
2024	2024	2024
2025	2025	2025
2026	2026	2026
2027	2027	2027
2028	2028	2028
2029	2029	2029
2030	2030	2030
2031	2031	2031
2032	2032	2032
2033	2033	2033
2034	2034	2034
2035	2035	2035
2036	2036	2036
2037	2037	2037
2038	2038	2038
2039	2039	2039
2040	2040	2040
2041	2041	2041
2042	2042	2042
2043	2043	2043
2044	2044	2044
2045	2045	2045
2046	2046	2046
2047	2047	2047
2048	2048	2048
2049	2049	2049
2050	2050	2050
2051	2051	2051
2052	2052	2052
2053	2053	2053
2054	2054	2054
2055	2055	2055
2056	2056	2056
2057	2057	2057
2058	2058	2058
2059	2059	2059
2060	2060	2060
2061	2061	2061
2062	2062	2062
2063	2063	2063
2064	2064	2064
2065	2065	2065
2066	2066	2066
2067	2067	2067
2068	2068	

Adjustments to base::	1983 as enacted (appropriation anticipated).....		1983 Appropriation		1984 Base		1984 Estimated		1984 Estimated		Increase/Decrease	
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Perm.	WY Amount
Uncontrollable increases:												
Annualization of 1983 pay increases.....	30	\$11,050										
Annualization of Executive Level pay increase.....	..	..								
Annualization of Medicare costs.....	..	..								
Annualization of Medicaid costs.....	..	..								
Within-grade increases.....	..	..								
Health benefits costs.....	..	..								
Standard Level User Costs (SLUC).....	..	..								
Telephone system line charges.....	..	..								
General Pricing Level Adjustment.....	..	..								
Total, uncontrollable increases.....	..	..								
Decreases (automatic non-policy):												
One less compensable day.....	..	..								
Non-recurring cost for change in hourly rate.....	..	..								
Total decreases.....	..	..								
1984 Base.....	30	\$11,665										
Estimates by budget activity												
1. National Institutes of Corrections.....	30	\$11,180	30	\$11,222	30	\$11,050	30	\$11,665	30	\$11,665	30	\$11,665

Federal Prison System
National Institute of Corrections
Justification of Program and Performance

Activity Resource Summary
(Dollars in thousands)

Activity: National Institute of Corrections	1913 Appropriation		1964 Base		1964 Estimate		Increase/Decrease	
	Pos.	NY Amount	Pos.	NY Amount	Pos.	NY Amount	Pos.	NY Amount
National Institute of Corrections.....	30	30 \$11,050	30	30 \$11,665	30	30 \$11,665	...	...

Authorization for this program is contained in the Juvenile Justice and Delinquency Prevention Act of 1974. The primary purpose of the National Institute of Corrections (NIC) is to offer assistance through grants and contracts to state and local correctional agencies. Improving correctional practices at all levels has been a national need recognized by correctional and non-correctional personnel. NIC helps to ameliorate this need through its training, technical assistance, research and standards development activities. The Institute offers information and clearinghouse services to the correctional community and helps state and local correctional agencies build the capacity to do their own research.

Long-Range Goal: Provide leadership in moving corrections toward greater professionalism; develop national policies from the guidance and coordination of Federal agencies and initiatives affecting corrections; serve as a national center to which state and local correctional agencies can turn to receive many different types of assistance; and serve as a source of correctional information and knowledge to provide immediate and accurate information about a wide variety of correctional programs, policies, planning standards, and practices.

Major Objectives:

To assist jails in evolving as humane, fair, efficient, and effective operations that comply with legal requirements.

To strengthen correctional programs by effective and efficient utilization of staff and organizational resources.

To increase the effectiveness of correctional programs by expanding the use of alternatives to incarceration and promoting a safe, humane, and constitutional environment for those offenders who must be incarcerated.

To develop the capacity to respond quickly, accurately, and informatively to a wide variety of inquiries on correctional programs, policies, standards, and practices.

To provide training to the correctional community to upgrade skills of personnel.

Base Program Description: The program consists of three elements. The technical assistance element provides specialized assistance to state and local correctional agencies in response to specific requests within selected programmatic areas and supports the collection and dissemination of relevant correctional policies, programs, practices and resource documents. The research, evaluation and policy standards element provides assistance to jurisdictions attempting to develop and implement correctional standards. The training element attempts to advance correctional organizational performance through a systematic staff development program.

In an effort to increase coordination, reduce duplication, and upgrade state and local corrections, the National Institute of Corrections has initiated several activities, including developing manuals of understanding between Federal agencies, placing representatives of several Federal agencies on the NIC Advisory Board, and conducting frequent meetings with representatives from the entire spectrum of correctional practice. An annual plan is approved by the Advisory Board, after which the NIC staff develops a program strategy utilizing training, technical assistance and clearinghouse, policy/program development and evaluation to accomplish the objectives in the plan.

Accomplishments and Workload: Accomplishments of the National Institute of Corrections program are presented in the following table:

Item	1981		1982		Estimate 1983		Estimate 1984	
Application papers processed.....		672		500		500		500
Grants and contracts awarded.....		190		214		230		230
Technical assistance provided.....		762		800		720		720
Training participants.....		3,700		4,000		3,800		3,800
Training requests.....		16,750		19,700		20,000		22,000
Information requests.....		7,164		5,000		5,000		5,000

During 1982, NIC trained correctional managers in basic and advanced management, legislative processes, planning strategies, organizational design and personnel management. In addition, NIC developed a core curriculum for correctional officers with learning materials, instructor manuals and visual aids and developed alternative models for meeting correctional training needs. Policy guideline documents were developed for those who manage or supervise prison-industry programs as well as for those responsible for planning, managing and operating programs for the mentally ill in state correctional facilities. The Institute responded to 800 requests for short term technical assistance in 1982.

National Institute of Corrections

Status of Congressionally Requested Studies, Reports, and Evaluations

1. Senate Judiciary Committee Report 97-94, dated May 15, 1981, relating to the Department of Justice Authorization Act for 1982, requested the following study and report:

- An evaluation of the programs of the National Institute of Corrections. This evaluation was submitted to the Committee in December 1982.

Federal Prison SystemNational Institute of CorrectionsDetail of Permanent Positions by CategoryFiscal Years 1982 - 1984

Category	1982 Authorized	1983 Authorized	1984 Total
Correctional Institution Admin. (006).....	16	16	16
General Administration Clerical and Office Services (300-399)....	10	10	10
Accounting and Budget (500-599).....	3	3	3
Information and Arts Group (1000-1099).....	1	1	1
Total.....	30	30	30
Washington.....	19	19	19
U.S. Field.....	11	11	11
Total.....	30	30	30

Federal Prison System
National Institute of Corrections
Justification of Adjustments to Base
(Dollars in thousands)

	<u>Budget</u> <u>Auth.</u>
<u>Uncontrollable increases:</u>	
1. Annualization of the 1983 pay increases.....	\$36
This provides for the annualization of the October 3, 1982 pay increase contained in Executive Order 12387. Of the pay raise requirement of \$36,000, \$36,000 was absorbed in 1983.	
2. Annualization of Executive Level pay increase.....	15
This provides for the annualization of the January 1, 1983 Executive Level pay increase contained in P.L. 97-377. The request of \$15,000 provides full year funding since the 1983 costs were absorbed.	
3. Annualization of Medicare costs.....	10
This provides full funding for the 1.3 percent Federal share of the Medicare Hospital Insurance tax to Federal employees as required by P.L. 97-248, The Tax Equity and Fiscal Responsibility Act of 1982. The request of \$10,000 provides full year funding since the 1983 costs were absorbed.	
4. Within-grade increases.....	5
This request provides for an expected increase in the cost of within-grade increases. This increase is generally consistent with increases experienced within recent years and is approximately one percent above the base for compensation and related benefits for permanent positions. (Personnel compensation \$4,925 and benefits \$542 = \$5,467.)	
5. Health benefits costs.....	2
The Federal Employees Health Benefits Act (P.L. 93-246) provides that the Government's share of health insurance would be 60 percent of the total rate commencing in 1976. Effective January 1, 1982, the health insurance carriers raised their rates approximately 13 percent. The requested increase of \$2,040 provides for payment of the average rate increase over the \$18,746 now available.	
6. Standard level user charges (SUL).....	16
Section 108 of P.L. 97-377 Continuing Resolution for 1983, prohibits agencies from paying the General Services Administration (GSA) a higher rate per square foot for the rental of space and services in 1983 than they paid in 1982. In keeping with the Administration's policy that charges for space shall be consistent with market rates the request includes \$4,000 to restore cuts made in 1983 and \$12,000 for 1984 price level adjustments.	
7. Telephone system line charges.....	2
The cost of providing Centrex telephone switchboard services to Department users has increased from \$20.10 to \$27.66 per telephone line. A 19.6 percent increase was granted to GSA in 1982. Additionally, a 30 percent increase is proposed for 1983. An uncontrollable increase of \$2,000 over the 1983 base is required to cover the higher rates in 1984.	

Budget Auth.		
\$537	8. General pricing level adjustment..... This request applies the OMB pricing guidance of December 1982 to selected expense categories. The increased costs identified result from applying a factor of 6.4 percent to the sub-object classes, contracts and grants and 5.3 percent to supplies, materials, equipment, transportation costs, and utilities. Excluded from the computation are categories of expenses where inflation has already been built into the 1984 estimates.	
<u>623</u>	Total, uncontrollable increases.....	
	Decrease (automatic non-policy):	
-4	1. One less compensable day..... The decrease was derived by dividing total personnel compensation in the current year by 261 days.	
-4	2. Non-recurring costs for change in hourly rate..... This provides for an overall pay adjustment that results from a change in the basis for computing pay for General Schedule employees. Currently, General Schedule pay is computed on the basis of 260 workdays or 2,080 hours, although 261 or 262 workdays may occur in a calendar year. For 1984 and 1985, Section 310(b)(1) of the Omnibus Reconciliation Act of 1982, requires that pay be computed on the basis of 2,087 hours. Budget estimates for 1984 reflect the new basis and result in a decrease of \$4,000.	
<u>-8</u>	Total decrease.....	
<u>615</u>	Total, adjustments to base.....	

Federal Prison System
National Institute of Corrections
Summary of Requirements by Grade and (b)ject Class
(Dollars in thousands)

Grades and salary ranges	1983 Estimate		1984 Estimate		Increase/decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
ES-4, \$63,800.....	1		1		...	
GS/34-15, \$49,553-63,115.....	4		4		...	
GS/34-14, \$41,277-53,661.....	1		1		...	
GS/34-13, \$34,930-45,406.....	12		12		...	
GS-12, \$29,374-39,185.....	1		1		...	
GS-11, \$24,500-31,861.....	1		1		...	
GS-9, \$20,256-26,331.....	3		3		...	
GS-7, \$16,559-21,527.....	4		4		...	
GS-5, \$13,369-17,383.....	2		2		...	
GS-4, \$11,949-15,531.....	1		1		...	
Total, aggregated positions.....	30	\$1,054	30	\$1,059	...	5
Pay above stated annual rates.....	...	4	...	...	...	-4
Lapses.....	...	...	...	...	...	...
Net permanent.....	30	1,058	30	1,059	...	1

Federal Prison System
National Institute of Corrections
Summary of Requirements by Grade and Object Class (cont.)
(Dollars in thousands)

Object Class	1963 Estimate Workyears	1963 Estimate Amount	1964 Estimate Workyears	1964 Estimate Amount	Increases/Decreases Workyears	Increases/Decreases Amount
11 Personnel compensation:						
11.1 Full-time payment.....	30	\$1,058	30	\$1,059	...	\$1
11.5 Other personnel compensation.....	...	4	...	4	...	...
Total, workyears and personnel compensation.....	30	1,062	30	1,063	...	1
Other objects						
12 Personnel benefits.....		110		114		4
21 Travel and transportation of persons.....		310		322		12
22 Transportation of things.....		10		11		1
23.1 Standard level user charges.....		55		71		16
23.2 Communications, utilities & other rent.....		60		66		6
24 Printing and reproduction.....		55		55		...
25 Other services.....		4,450		4,564		114
26 Supplies and materials.....		61		65		4
31 Equipment.....		28		30		2
41 Grants, subsidies, and contributions.....		4,649		5,304		455
Total obligations.....		11,050		11,665		615
Unobligated balance, start-of-year.....		-497		-497		...
Unobligated balance, end-of-year.....		497		497		...
Total requirements.....		11,050		11,665		615
Relation of obligations to outlays:						
Obligations incurred, net.....		11,050		11,665		615
Obligated balance, start-of-year.....		6,187		6,687		500
Obligated balance, end-of-year.....		-6,187		-7,273		-1,086
Outlays.....		10,550		11,079		529

Department of Justice
Federal Prison System
Buildings and Facilities
Estimates for Fiscal Year 1984
Table of Contents

<u>Item</u>	<u>Page</u>
<u>Number</u>	
Summary Statement.....	1
Proposed Appropriation Language.....	4
Crosswalk of 1983 Changes.....	5
Summary of Requirements.....	6
Justification of Program and Performance.....	7
Status of Construction of Facilities.....	14
Detail of Permanent Positions by Category.....	15
Justification of Adjustments to Base.....	16
Financial Analysis - Program Changes.....	17
Summary of Requirements by Grade and Object Class.....	18

Federal Prison System
Buildings and Facilities
Summary Statement
Fiscal Year 1984

The Federal Prison System is requesting for 1984, a total of 36 permanent positions, 34 workyears and \$97,142,000 for the Buildings and Facilities appropriation. This request represents an increase from the 1983 appropriation of 6 positions, 13 workyears and \$90,475,000.

A major objective of the Federal Prison System (FPS) facilities development program is to provide offenders with a safe and humane environment which affords an acceptable level of privacy and is located, where possible, close to the offenders' area of residence. Towards this end, the FPS believes in the construction of smaller, medium institutions which in design and structure accommodate the offering of a complete range of programs and activities for improving offenders' capabilities to achieve crime-free lives.

From January 1981 through January 1983, FPS has experienced a dramatic 21 percent growth from 23,790 inmates to approximately 28,900 inmates. It is clear that a significant portion of this growth is attributable to this Administration's emphasis on law enforcement and its prosecution policies, particularly its efforts directed at violent crime. A comparison of fiscal year 1981 and 1982 statistics shows that in only one year, court commitments to the FPS have increased a total of 19% with similar increases in offense categories such as robbery and narcotics.

During this period of rapid population growth, the FPS has taken every possible action within its current level of resources to ensure that Federal inmates continue to serve their sentences in a safe and humane environment. At the same time, the FPS has received new responsibilities regarding the long-term detention of aliens. Nevertheless, the fact remains that our current population of 28,900 is housed in facilities which are rated for a capacity of 24,072 in accordance with standards developed by the Commission on Accreditation for Corrections. This results in a 4,828 bed deficit or an overcrowding rate of 20%.

From a long-range planning perspective, the FPS must project its prison population several years forward since any new Federal facilities requested in this budget would not become operational until 1987 at the earliest. If the Department's current law enforcement and prosecution activities and resources were to remain constant, we estimate that our prison population in 1984 will be a minimum of 30,000 and that it will reach 31,300 by 1987 (see chart on page 3). These population estimates are based on an in-depth analysis of prison population changes and future trends. It should be noted that any significant increase in the Department's investigative and prosecutorial resources would certainly result in higher inmate population levels.

This population projection is conservative and averages only 2 percent growth per year over the period 1982-1987. We believe that a conservative estimate is justified to ensure that we do not needlessly expand inmate capacity thereby wasting scarce Federal resources. The projected 1987 level of 31,300 when compared to our rated capacity by that date (adjusted for only previously approved capacity increases) will result in a deficit of approximately 6,142 beds or 24 percent. This would clearly be an unacceptable level of overcrowding which in all likelihood would lead to increased violence within our institutions, increased escape rates, and serious criticism from the Judiciary.

We believe that unless this situation is reversed, prison overcrowding could become the "bottleneck" in the federal criminal justice system which would impede attainment of departmental law enforcement objectives. Our 1984 budget request therefore seeks an increase of 1,500 beds in our system through the addition of two new 500-bed Federal Correctional Institutions (FCI's), and a new 500-bed Metropolitan Correctional Center (MCC). In addition, the Department's Organized Crime Unit, Enforcement budget request for 1984 includes 340 additional beds through the expansion of the FCI's at Otisville, New York and Butner, North Carolina, and the Federal Prison Camp at Montgomery, Alabama. Based upon our analysis of current overcrowding and our general goal to assign inmates to institutions within their region of legal residence, 63 percent of the proposed expansion would occur in the northeast region.

We are requesting approval to build a Los Angeles MCC as a long term solution to the critical retention problem in the central district of California. The continued use of the Terminal Island FCI for housing Los Angeles' pre-trial detainees is unsatisfactory. The distance from the Los Angeles Federal Court creates logistical problems for the Court, the Marshals Service and the inmates' counsel. However, with the addition of an MCC at Los Angeles, Terminal Island could then be used as a security level 2 facility to help alleviate the current shortage of level 2 bed space in the western region. We believe that this course of action is preferable to building a level 2 FCI in the western region.

The projected 1987 population level of 31,300 when compared to our planned rated capacity by that time (including our 1984 requested increase), will result in a deficit of approximately 4,302 beds or 16 percent. We believe this is a more manageable level of overcrowding and will not significantly affect our ability to support the Department's law enforcement objectives.

The Buildings and Facilities appropriation contains three budget activities: Planning and Site Acquisition, New Construction, and Modernization and Repair of Existing Facilities.

The activity Planning and Site Acquisition provides resources for the identification and location of suitable sites for the acquisition or construction of new correctional facilities. It also provides for the design of these facilities in a manner consistent with security and program requirements and architectural innovation. Our recent efforts to acquire the deactivated Air Force base at Ft. Lagnia, California is an example of our continuing search for surplus facilities which can be converted in a cost effective manner to correctional use. In 1984, an increase of 1 position, 1 workyear and \$6,800,000 is requested for the planning and site acquisition of two northeast 500-bed FCI's.

The activity New Construction provides the resources required to construct new correctional institutions. An increase of 2 positions, 2 workyears and \$70,650,000 will provide the resources necessary for the construction of one 500-bed northeast FCI and a 500-bed MCC in Los Angeles.

The activity Modernization and Repair of Existing Facilities provides the resources to undertake essential rehabilitation, renovation or replacement projects at existing institutions to ensure that structures, utilities systems, and other plant facilities are kept in a good state of repair. Proper maintenance, modernization and repair of our existing institutions is essential, particularly since a majority of our facilities are over 30 years old.

In 1984, increases of 5 positions, 5 workyears and \$4,135,000 are requested for 11 modernization and repair projects at 9 institutions. During the past four years, only \$30 million has been appropriated to renovate facilities which have a current replacement cost of over \$1 billion. If the requested budget increases in this area are not approved, it would be the second consecutive year for which no funding was provided for major repair and rehabilitation projects at existing institutions. Failure to adequately maintain structures and utilities systems erodes capital investment and multiplies the costs in future years for accomplishing the required maintenance and repair.

In addition, 3 positions, 3 workyears and \$8,439,000 are requested to continue the previously approved conversion of the Leavenworth Penitentiary to a modern correctional facility, begun in 1982.

Federal Prison System

Buildings and Facilities

Justification of Proposed Changes in Appropriation Language

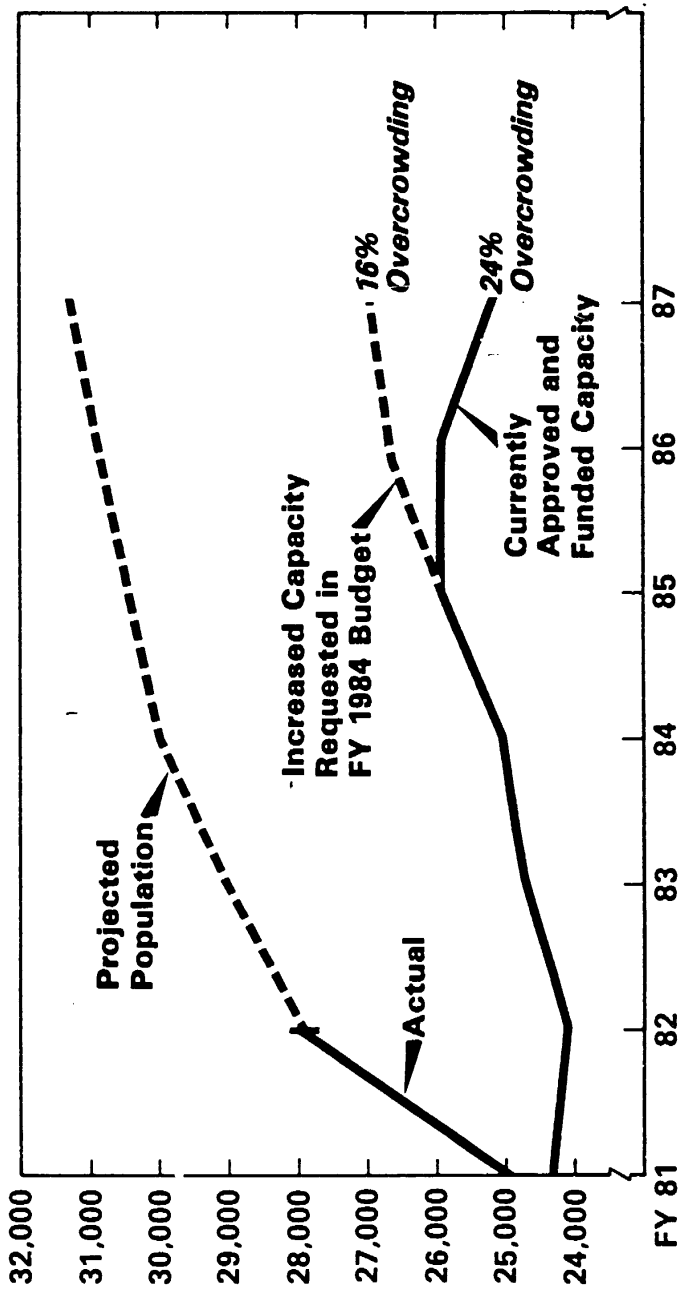
The 1964 budget estimates include proposed changes in appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Buildings and Facilities

For planning, acquisition of sites and construction of new facilities and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account,

[86,667,000], to remain available until expended: Provided, That labor of United States prisoners may be used for work performed under this appropriation. \$97,142,000

Federal Prison System Projected Inmate Populations vs. Rated Capacity



Federal Prison System

Buildings and Facilities

Crosswalk of 1983 Changes
(Dollars in thousands)

Activity/program	1983 President's Budget Request			Congressional Appropriation Actions on 1983 Request			Reprogrammings			1983 Appropriation Anticipated		
	Budget Request			1983 Request			Reprogrammings			Anticipated		
	Pos.	WY	Ant.	Pos.	WY	Ant.	Pos.	WY	Ant.	Pos.	WY	Ant.
1. Planning and Site Acquisition.....	...	...	...	...	...	...	...	...	...	...	...	...
2. New Construction.....	10	5	...	...	...	...	...	...	...	10	5	...
3. Modernization and Repair of Existing Facilities..	20	16	\$6,667	...	...	...	...	...	...	20	16	\$6,667
Total.....	30	21	6,667	...	...	...	...	...	...	30	21	6,667

519

Explanation of Analysis of Changes from 1983 Appropriation Request

The 1983 President's Budget Request as displayed above includes 5 positions and 4 workyears not previously shown due to the enactment of the 1982 Supplemental which provided for the construction of a Federal Correctional Institution at Phoenix, Arizona and an Alien Processing and Detention Center, the improvement of security at the Metropolitan Correctional Center at Miami, Florida and the acquisition and renovation of a surplus U.S. Air Force facility at Ft. Laguna, California. These additions, while not affecting budget authority, necessitated the revision of the 1983 estimates for positions, workyears, obligations and outlays.

Federal Prison System

Buildings and Facilities

Summary of Requirements
(Dollars in thousands)

	<u>Rema. Mark-</u>		<u>years</u>	<u>Amount</u>
	<u>Pos.</u>	<u>Pos.</u>	<u>Pos.</u>	<u>Pos.</u>
<u>Adjustments to base:</u>				
1983 as enacted.....	30	21		\$6,667
Uncontrollable increases:				
Annualization of positions requested in 1982 (FBI Phoenix and an Allen Detention Center).....	...	5		...
General pricing level adjustment.....	...	...		451
Total, uncontrollable increases.....	...	...		451
Decreases (automatic non-policy):				
Non-recurring requirements for positions and workyears associated with closed projects.....	-5	-3		...
1984 base.....	25	23		7,118

520

	<u>1982 as Enacted</u>		<u>1982 Actual</u>		<u>1983 as enacted</u>		<u>1984 Base</u>		<u>1984 Estimate</u>		<u>Increase/Decrease</u>	
	<u>Pos.</u>	<u>WY</u>	<u>Pos.</u>	<u>WY</u>	<u>Pos.</u>	<u>WY</u>	<u>Pos.</u>	<u>WY</u>	<u>Pos.</u>	<u>WY</u>	<u>Pos.</u>	<u>WY</u>
<u>Estimates by budget activity/</u>												
<u>program:</u>												
1. Planning and Site Acquisition.....	...	...	...	...	...	...	...	...	1	1	1	\$6,800
2. New Construction.....	10	1	39,000	10	...	...	10	10	12	12	2	70,650
3. Modernization and Repair of Existing Facilities.....	23	21	17,461	23	18	12,756	20	16	23	21	8	12,574
Total.....	33	22	56,361	33	18	14,371	30	21	36	34	11	90,024

Federal Prison System

Buildings and Facilities

Justification of Program and Performance

Activity Resource Summary (Dollars in thousands)

Activity: Planning and Site Acquisition	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease	
	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY
Planning and Site Acquisition.....	1	1	\$6,800	1	1

This budget activity provides for the identification and location of suitable sites for, and design of new correctional facilities to be constructed. Suitable sites may include surplus government property or non-government property.

Long-range Goals: To provide safe, humane environments for both inmates and staff, which meet the basic human needs for privacy and dignity, which support voluntary programs of self-improvement that prepare inmates for their eventual release into the community, and which minimize the often corrosive effects of institutional confinement. To locate sites as near as possible to large metropolitan areas in order to maximize the use of community resources, enhance staff recruitment and place inmates close to their release destinations.

Major Objectives:

Continue to review FFS capacity requirements.

Locate suitable, surplus facilities for possible FFS use.

Prepare design concepts for new facilities.

Locate, and acquire suitable sites for new construction.

Base Program Description: ... involves the initial identification of the need for added capacity, and the specific location. FFS continuously reviews capacity requirements, considering the inmate population level, the geographic origin of the confined population, and the age and condition of present facilities. FFS makes a determination of whether to:

1. Expand the number and use of contracts with State and local correctional agencies.
2. Increase participation in the Contract Community Treatment Center program.
3. Increase capacities of current facilities, primarily by adding or expanding satellite camps or housing units at existing institutions.
4. Acquire suitable surplus sites.
5. Construct new facilities.

This program provides for the acquisition of suitable sites, through surplus or purchase, for the construction of new facilities.

Site acquisition requires location of suitable sites, notification of the public, preparation of the Environmental Impact Statements and coordination of the legal procedures necessary for acquisition of the properties. Professional services are procured and are site preparation work may be initiated.

PBS maintains continuous contact with the various agencies in the Department of Defense, the General Services Administration, and State and local governments to determine the availability of potential sites including:

1. Surplus State and local correctional facilities. At the present time there are no suitable surplus State and local correctional facilities due to overcrowding in their respective systems. Other properties (e.g., hospitals, etc.) are examined on a case by case basis, although in most cases extensive remodeling and/or renovation would be necessary before they could be used as correctional facilities.
2. Underutilized military facilities. Recently, this alternative has not been fruitful due to the age, size, condition, and/or location of such facilities as well as the time required by the Department of Defense to declare such property surplus.
3. Surplus deactivated military bases. This alternative is currently being used and will continue to be explored in the future.

If no suitable alternative is available, PBS must plan for new construction. A site is located and acquired and the design of the new facility outlining the function, size, type and relationship of the various spaces as well as a general philosophy of operation is proposed. Architects and engineers are hired to prepare preliminary programs, designs and recommendations which are reviewed by PBS staff. Final contract documents are then solicited for correctness, completeness and cost effectiveness. The project is then bid for construction provided that construction funds have been appropriated. This planning process takes from between 12 to 18 months and usually overlaps the construction process by three to six months.

Accomplishments and Workload: Projected population levels through 1987 are compared to rated capacities, adjusted for previously approved changes and requested increases, in the following table:

Item	Estimates					
	1981	1982	1983	1984	1985	1987
Average daily population.....	24,932	27,730	29,000	30,000	30,433	31,300
Actual rated capacity.....	24,311	24,072				
Previously approved changes to rated capacity:						
Surplus facility (FPC Mt. Lebanon).....			300			
Adding capacity at existing institutions.....			632[1]	98[2]	664[3]	
New construction (FPC Phoenix).....					400	
Renovations and lost capacity.....					-263[4]	-745[5]
Rated capacity adjusted for approved changes.....			25,004	25,102	25,903	25,158
Percent overcrowded.....	3%	15%	16%	20%	17%	24%
1984 requested changes to rated capacity:						
Adding or expanding satellite camps or housing units at existing institutions.....					340[6]	
New construction.....					500[7]	1,000[8]
Rated capacity adjusted for the 1984 request.....					26,743	26,998
Percent overcrowded.....					15%	16%

[1] Includes a 98 bed satellite camp at FCI, Danbury, CN; a 95 bed housing unit at FCI, Sandstone, MI; a 98 bed housing unit at FPC Marion, CN; a 98 bed housing unit at FPC, Jasperville, TX; and a 243 bed housing unit at FPC, Big Spring, TX.

[2] 98 bed satellite camp at USP, Atlanta, GA.

- [3] Includes a control/segregation unit with a net gain of 81 beds at the USP, Leavenworth, KS; a 100 bed housing unit at FCI, Memphis, TN; a net gain of 113 beds at the satellite camp at FCI, Petersburg, VA; a 100 bed housing unit at FCI, Ashland, KY; a 100 bed housing unit at FCI, Butner, NC; a 100 bed housing unit at FCI, Tallahassee, FL; and a 70 bed witness protection unit at FCI, Oxford, MI funded by the Organized Crime Drug Enforcement Act.

[4] Renovation of the USP, Leavenworth, KS to a modern correctional facility.

- [5] Includes a decrease of 745 beds at USP, Atlanta, GA due to a projected decline in the Cuban population.

[6] Includes a 150 bed satellite camp at FCI, Otisville, NY; a 30 bed segregation unit at FCI, Butner, NC; and a 160 bed housing unit at FCI, Butner, NC, funded by the Organized Crime Drug Enforcement Act.

- [7] A 500 bed Level 4 FCI located in the northeastern United States.

[8] A 500 bed Metropolitan Correctional Center in Los Angeles, CA, and a 500 bed Level 2/3 FCI located in the northeastern United States.

June 1974, the Federal Prison System has designed and acquired sites for 12 new facilities including the Federal Correctional Institutions (FCI) in Butner, North Carolina; Pleasanton, California; Memphis, Tennessee; Tallahassee, Florida; Bastrop, Texas; Otisville, New York; Ray Brook, New York; and the Metropolitan Correctional Centers, New York, New York; Chicago, Illinois; San Diego, California; Miami, Florida; and Tucson, Arizona. (See the Decision Unit "New Construction" for construction completion date and rated capacity.)

by monitoring surplus facilities and underutilized or deactivated military facilities. FRS acquired the FCI at Oxford, Wisconsin from the State of Wisconsin; the FCI at Lexington, Kentucky and Fort Worth, Texas from the U.S. Public Health Service; the Federal Prison Camps at Eglin Air Force Base in Eglin, Florida and Maxwell Air Force Base in Montgomery, Alabama; and FCI's at Big Spring, Texas and Byron, California. This alternative has increased FRS capacity by 3,379. FRS is currently in the process of acquiring the U.S. Air Force Station at Mt. Laguna, California for use as a federal prison camp.

Currently, FRS staff architects have completed design concepts for the proposed FCI near Phoenix, Arizona. Site plans have been prepared and we are proceeding with final site acquisition. In addition, we have contracted for architectural and engineering services. Also, FRS staff architects are in the initial stage of designing the housing units for the 1,000-bed Alien Detention Center. Alternate sites for the location of the Alien Detention Center are currently under consideration.

Program changes: Our current population of 28,500 is housed in facilities which have a rated capacity of 24,072. This results in a 4,928 bed deficit or an overcrowding rate of 20 percent. Considering previously approved changes in rated capacity and a 2 percent annual increase in population over the period 1982-1987, FRS will have a deficit of 6,142 beds or an overcrowding rate of 24 percent. To avert this unacceptable level of overcrowding, FRS plans to increase capacity by 1,500 beds in our system through the addition of a 500 bed Level 2/3 Federal Correctional Institution (FCI) in the northeast, a 500 bed Level 4 FCI in the northeast, and a 500 bed Metropolitan Correctional Center (MCC) in Los Angeles, CA.

In 1984, FRS is requesting 1 position, 1 workyear and \$3,400,000 for planning and site acquisition of a 500 bed Level 2/3 FCI and \$3,400,000 for planning and site acquisition of a 500 bed Level 4 FCI, both to be located in the northeast. Construction funds and staff resources are also requested in 1984 for the Level 4 FCI (see request for "New Construction"). Only construction funds are requested for the Los Angeles MCC in 1984. The proposed site for the MCC is Federal property for which no acquisition cost is anticipated. Funds for the construction of the Level 2 FCI will be requested in the future.

Activity: New Construction	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
New Construction.....	10	5	...	10	10	...	12	12	\$70,650	2	2	\$70,650

The Bureau's long-range construction program was undertaken specifically to: (1) reduce institutional overcrowding, (2) close or modernize large antiquated facilities, and (3) develop smaller, more humane facilities that will offer programs designed to provide inmates an opportunity to achieve a crime-free life. In 1962, construction was completed on the Tucson, Arizona Federal Detention Center.

Long Range Goal: To construct safe, humane environments for both inmates and staff, meeting the basic human needs for privacy and dignity.

Major Objectives:

reduce overcrowding;

complete new construction on schedule and within resources available.

Basic Program Description: After the need for new construction has been established, a site is acquired and a design completed. Resource requests within this decision unit provide for the actual construction of new facilities. Essentially, the FRS oversees construction projects that have been contracted out to private construction firms. Coordination is developed with all necessary agencies to ensure that all Federal regulations are followed, e.g., the Environmental Protection Agency, General Services Administration, Department of Justice, etc. Coordination is also maintained with State and local jurisdictions. Quality control of all projects is maintained by FRS staff to ensure the most productive use of resources and the timely completion of all projects.

Acquisitional and workload: See the workload table presented in the planning and site acquisition activity for analysis of projected population levels through 1987 as compared to rated capacity adjusted for previously approved changes and requested increases.

Since 1974, the following new facilities have been constructed:

Institution	Completion date	Capacity
MC, Tucson, Arizona	March 1982	750
MC, Louisville, New York	March 1981	445
MC, New York, New York	December 1980	453
MC, Tallahassee, Alabama	September 1979	493
MC, Hastings, New York	August 1979	460
MC, Memphis, Tennessee	March 1977	419
MC, Miami, Florida	January 1976	224
MC, Miami, North Carolina	January 1976	321
MC, Chicago, Illinois	June 1975	373
MC, New York, New York	March 1975	418
MC, San Diego, California	November 1974	462
MC, Pleasanton, California	July 1974	220
		<u>4,518</u>

Program Changes: As discussed above under the activity "Planning and Site Acquisition", the FRS proposes to partially offset the anticipated 24 percent institutional overcrowding in 1987 through the addition of a 500 bed Level 2/3 MC and a 500 bed Level 4 MC in the northeast, and a 500 bed MC in Los Angeles, CA. Increases of 1 position, 1 workyear and \$30,000,000 are requested concurrently with the request for planning and site acquisition for the construction of a 500 bed Level 4 MC to be located in the Northeastern United States. In addition, an increase of 1 position, 1 workyear and \$40,000,000 is requested for the construction of a 500 bed Metropolitan Correctional Center (MCC) in Los Angeles, CA. This request is requested as a long term solution to the critical detention problem in the central district of California. The continued use of the Terminal Island MC for housing Los Angeles' pre-trial detainees is unsatisfactory. The detainees from the Los Angeles Federal Court creates logistical problems for the court, the Marela service and the inmates' counsel. Moreover, with the addition of an MC at Los Angeles, Terminal Island could then be used as a security Level 2 facility to help alleviate the current shortage of Level 2 MC in the western region. It follows that this course of action is preferable to building a Level 2 MC in the western region.

Activity: Modernization and Repair of Existing Facilities	FY03 Appropriation Anticipated			1984 Base			1984 Estimate			Increase/Decrease		
	Req.	WY	Amount	Req.	WY	Amount	Req.	WY	Amount	Req.	WY	Amount

Modernization and Repair of Existing Facilities.....	20	16	\$6,667	15	13	\$7,118	23	21	\$19,692	8	8	\$12,574
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This activity provides resources for major rehabilitation, renovation or replacement of structures and utilities systems, and minor repair projects at existing institutions. Also forwarded is the \$1.5 million payment for the Oxford, Wisconsin PCI lease/purchase agreement.

Impinge Goals: To protect capital investment in facilities. To provide safe, efficient, and adequately sized and equipped facilities for the operation of correctional programs within Federal Prison System (FIS) institutions.

Major Objectives:

Repair and renovate facilities as required.

Gain accreditation of all institutions.

Monitor use of space through space studies and improve facilities as required.

Make all facilities energy efficient in accordance with Department of Energy Life Cycle Costing method.

Comply with all pollution control requirements.

Comply with all requirements of the National Fire Protection Association (NFPA), 101 Life Safety Code as it pertains to penal facilities.

Comply with all requirements of the Joint Commission on Accreditation of Hospitals (JCAH).

Comply with all applicable requirements of Occupational Safety and Health Administration (OSHA).

Renovate the United States Penitentiary, Lawrenceville, Kansas.

Increase the capacity of ten FPS facilities.

Continue the lease/purchase of Oxford, Wisconsin Federal Correctional Institution.

Use: Program Description: Because FPS institutions operate on a 24-hour a day, 7 day a week basis, buildings and grounds are subjected to heavy use. Therefore, there is a continuing need for projects to upgrade and repair areas damaged and worn by conducting normal activities and during emergency situations. In addition, the normal, expected useful life of buildings without major repair and renovation is 30 years. Because 51 percent of the institutions are over 30 years old, a continuing program for the replacement and/or rehabilitation of obsolete structures and plant facilities is required. The following chart indicates the age range of all FPS institutions:

<u>Year Opened</u>	<u>Number of Institutions</u>
1900 - 1909	2
1910 - 1919	14
1920 - 1929	6
1930 - 1939	2
1940 - 1949	4
1950 - 1959	12
1960 - 1969	2
1970 - 1979	1
1980 - 1981	1
1982	43
<u>Total</u>	<u>43</u>

The Chief Executive Officer of each institution initiates a modernization and repair program considering the FIS's long range goals and major objectives. To assist him, regional office facilities staff perform space utilization studies at each institution on a 2-year cycle. These studies involve examining all space in each institution, assessing its use, and developing an overall plan to be followed in space utilization and renovation of the institution.

Most objectives are accomplished using inmate labor crews supervised by FIS staff. In the past, many of the larger projects were accomplished by contracting with local construction firms which allowed for faster completion of the work with minimal supervision. Using inmate crews to do nearly all of the work requires considerably more time and staff supervision but is cost effective. However, some projects requiring special skills or equipment are contracted to local construction firms.

All work in this decision unit is identified by two specific categories of projects: Major line item requirements (projects valued over \$100,000) for which funds are specifically requested by project in appropriations requests; and repair and improvement (RII) requirements (projects valued at \$4,000 to \$100,000). RII projects address immediate needs resulting from emergencies, correctional program changes, etc., and are considered the base requirements for this program. All projects are closely monitored by the regional facilities staff for quality and timeliness of completion.

Coordination with regulatory agencies is required for pollution abatement and energy programs. The Environmental Protection Agency is consulted for guidance in the design of sewage treatment plants, acceptable fuel for heating and cooling, disposal of wastes and other pollutants. The Department of Energy is consulted with regard to availability and allocation of energy sources. Coordination with the General Services Administration is required for the procurement of certain materials and equipment. Repair and improvements to buildings and facilities are accomplished within FIS in accordance with existing occupational safety and building legislation.

Accomplishments and Workload: Accomplishments of the program modernization and repair of existing facilities are presented in the following table:

Item	Fiscal Year		Fiscal Year	
	1981	1982	1983	1984
New repair and improvement projects established.....	378	351	400	400
New line items projects established.....	6	17	7	15
Projects completed and closed.....	251	276	301	326
Projects active.....	443	449	530	571

This decision unit provides funds for the lease/purchase agreement for the Federal Correctional Institution, Oxford, Wisconsin, negotiated with the State of Wisconsin in Fiscal Year 1972. FIS makes an annual payment of \$1.5 million through 1986 which will total \$20,912,247 at completion.

In addition, approximately 200-300 modernization and repair projects are completed annually. Some representative projects started during 1982 are as follows: Upgrade dormitory lighting at the MCI, Chicago, IL (\$17,400); paint ground storage tank (\$55,000) and replace exterior locks (\$11,000) at the USP Leavenworth, KS; improve H-unit security at the USP, Marion, IL (\$65,900); replace the segregation unit at the FCI, Oxford, MI (\$70,000); replace dormitory shower doors at the FCI, Sandstone, MI (\$6,000); replace switchgear batteries at the Medical Center at Springfield, MO (\$11,000); install five escape units at the FCI, Allenwood, PA (\$32,000); re-roof outside buildings at the FCI, Danbury, CN (\$5,500); replace ceiling in the fan dormitory at USP, Lewisburg, PA (\$27,500); construct a medical facility at the FCI, Petersburg, VA (\$30,000); tile inmate showers at the FCI, Bastrop, TX (\$9,300); replace roofs at the FCI, Beardsley, TX (\$180,000); install locking system at the FCI, Lompoc, CA (\$255,000); replace sewage pumps (\$17,000) and replace boiler/generator (\$23,500) at the FCI La Tuna, TX; replace food service floors at the FCI, Ashland, KY (\$50,000); roof repairs at the FCI, Lexington, KY (\$9,000); hospital improvements at the MCI, Miami, FL (\$6,300); and to remodel hospital at the FCI, Blywood, CO (\$10,000).

During the last 10 years, new housing units were constructed at 6 institutions (Miami, Petersburg, Milan, Terminal Island, Pleasanton and Eglin) and satellite camps at 4 institutions (Beardsley, El Reno, La Tuna and Lewisburg). These projects have increased capacity by 1,417 beds. In addition, we are presently constructing additional housing units at Seagrville, Sandstone and Borden and a satellite camp at Danbury and Atlanta which will increase capacity by 407 beds. During 1983, an additional housing unit will be required at Big Spring thereby increasing capacity by 243 beds.

As a result of the 1983 Organized Crime Drug Enforcement Appropriation, the FRS has begun the expansion of seven existing facilities which will increase capacity by 664. Construction will begin in 1983 and will be completed in 1985 on the following projects: a control/segregation unit with a net gain of 81 beds at the USP, Leavenworth, KS; a 100 bed housing unit at FCI, Memphis, TN; a net gain of 113 beds at the satellite camp at FCI, Petersburg, VA; a 100 bed housing unit at FCI, Ashland, KY; a 100 bed housing unit at FCI, Butner, NC; a 100 bed housing unit at FCI, Tallahassee, FL; and a 70 bed witness protection unit at FCI, Oxford, MI.

Over the past 4-1/2 years projects totalling approximately \$4,000,000 were completed throughout FRS to bring housing units into compliance with provisions of the NFPA 101 Life Safety Code and requirements set by FRS. These projects include installation of proper exits, emergency lights, smoke detection systems, stairwells and hose cabinets and removal of combustible building materials. This represents the initial phase of bringing the institutions within all requirements of the 101 Life Safety Code.

Energy conservation is an ever increasing program requiring a large investment of staff and funds. Approximately \$500,000 of 1980 funds were used to accomplish retrofit projects having very quick payback, e.g., roof insulation, steamline insulation, lighting changes, electrical load demand controllers. In 1981, \$150,000 was used to complete in-depth engineering studies at 6 more institutions and to perform engineering design of major retrofit projects such as power plant fuel conversion and heating, ventilating and air conditioning renovation. Another \$650,000 was used for retrofit projects which have a payback period of seven years or less. In 1982, \$465,000 was used for additional retrofit projects having a payback period of seven years or less.

Program Changes: An increase of 5 positions, 5 workyears and \$4,135,000 is requested for 11 modernization and repair projects including \$800,000 to construct an inmate services building at the FCI, Eglin, FL (phases 2 of 2); \$600,000 to renovate 2 dormitories at the FCI, El Reno, OK; \$300,000 to construct a receiving warehouse, \$295,000 to replace 3 boilers and \$275,000 to replace an obsolete locking system at the FCI, Lompoc, CA; \$420,000 to improve perimeter security at the FCI, La Tuna, TX; \$350,000 to improve perimeter security at the FCI, Beardsley, TX; \$375,000 to install a water storage facility at the FCI, Bastrop, TX; \$480,000 to expand the capacity of the sewage treatment plant at the FCI, Oklawaha, FL; \$120,000 to renovate the segregation unit at the FCI, Blywood, CO; and \$120,000 to improve the perimeter detection system at the USP, Terre Haute, IN.

An increase of 3 positions, 3 workyears and \$8,439,000 is requested to continue the renovation of the USP, Leavenworth to a modern correctional facility including \$2,256,000 to renovate A cellhouse; \$2,500,000 to renovate C and D cellhouses; \$450,000 to repair perimeter wall; \$220,000 to continue the repair of exterior wall of B cellhouse and the Intenselect building; \$2,619,000 to construct a witness protection unit; \$240,000 to repair roofs; and \$154,000 to repair sewers. Public Law 96-132 (Department of Justice Authorization Act, 1980) required that the USP Leavenworth be renovated by 1985. The total renovation is estimated to cost \$15,539,000. In 1982, \$1,850,000 was approved to begin this renovation.

Federal Prison System
Buildings and Facilities

Status of Construction of Facilities
(Dollars in thousands)

Project	Inmate Capacity	Budget Request or Appropriation		Total Current Cost Estimate or Actual	Status-January 1983 Oblig.	Expected Completion Date	Estimated Activation Date
		Planning and Site Acquis. Fiscal Year	Amount				
<u>New Construction or Expansion of Existing Facilities</u>							
		Fiscal Year	Amount	Total Funding	Stage of Programs		
<u>Under construction or fully funded:</u>							
1. Phoenix, Arizona.....	400	1982	\$1,920	\$22,000	\$23,920	\$23,920	5/85
					2/3 complete (2) 42 in design phase (3) Site acquisition in progress.		6/85
2. Allen Detention Center.....	1,000			1982	17,000	17,000	11/85
Planned facilities:							
1. Northeast FCI Level 2/3.....	500	1984	3,400		3,400	34,050	7/87
2. Northeast FCI Level 4.....	500	1984	3,400	30,650	34,050	34,050	1/87
3. Los Angeles MCC.....	500			1984	40,000	40,000	6/87
Expansion of 10 existing facilities:(1)							
1. Petersburg.....	113			1983	1,900	1,900	5/85
2. Leavenworth.....	81			1983	4,870	4,870	5/85
3. Ashland.....	100			1983	1,750	1,750	5/85
4. Butner.....	100			1983	1,650	1,650	5/85
5. Jai LaBrosse.....	100			1983	2,100	2,100	5/85
6. Memphis.....	100			1983	3,380	3,380	5/85
7. Oxford.....	70			1983	2,350	2,350	5/85
8. Otisville.....	150			1984	3,000	3,000	10/85
9. Butner.....	30			1984	750	750	11/85
10. Montgomery.....	160			1984	2,250	2,250	11/85
					Published for R/C services		4/85
					" " " "		4/85
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(1) Funded by the Organized Crime Drug Enforcement Appropriation.

(2) Environmental Impact Statement

(3) Architect/Engineer

Federal Prison System
Buildings and Facilities
Detail of Permanent Positions by Category
(Dollars in thousands)

Category	1982 Authorized	1983 Authorized	Trans. in the Estimates	1984	
				Program Increases	Total
General Administration Clerical and Office Services (300-399).....	2	2	...	...	2
Engineering and Architecture Group (800-899).....	7	14	...	1	15
Business and Industries Group (1100-1199).....	1	1	...	...	1
Ungraded.....	23	13	-5	10	18
Total.....	33	30	-5	11	36
Washington.....	3	3	...	1	4
U.S. Field.....	30	27	-5	10	32
Total.....	33	30	-5	11	36

Federal Prison System
Buildings and Facilities
Justification of Adjustments to Base
(Dollars in thousands)

	Rem. Pos.	Total F/E	Budget Auth.
<u>Uncontrollable increases:</u>			
1. Annualization of 10 positions requested in 1962 for the construction of the Federal Correctional Institution (FCI), Phoenix, Arizona and one alien detention center.....	...	5	...
This provides for the annualization of 6 additional positions for the Phoenix FCI and 4 additional positions for one alien detention center. Funding was approved in 1962.			
2. General price level adjustment.....	...	...	\$451
This request applies the OMU pricing guidance of July 1962 to selected expense categories. The increased costs identified result from applying a factor of 6.5 percent against those sub-object classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, transportation costs and utilities. Excluded from the computation are categories of expense where inflation has already been built into the 1964 estimates.			
Total uncontrollable increases.....	...	5	451
<u>Decreases (Automatic non-policy):</u>			
1. Unrecurring requirements for prisons and workyears associated with closed projects.....	-5	-3	...
Total decreases.....	-5	-3	...
Total, adjustments to base	-5	2	451

Federal Prison System
Buildings and Facilities
Financial Analysis - Program Changes
 (in millions in thousands)

	Planning and Site Acquisition		New Construction		Modernization and Repair of Existing Facilities		Total	
	Pos. Amount	Res. Amount	Pos. Amount	Res. Amount	Pos. Amount	Res. Amount	Pos. Amount	Res. Amount
<u>Total</u>								
<u>Grants</u>								
GS-12.....	1	\$60	2	\$724	8	\$270	11	\$1,054
Total positions and annual rates.....	1	60	2	724	8	270	11	1,054
Lapse (-).....	...	...	...	...	...	...	...	...
Total workyears and personnel compensation.....	1	60	2	724	8	270	11	1,054
Personnel benefits.....		10		99		29		138
Travel and transportation of persons.....		50		120		67		237
Transportation of things.....		50		51		20		121
Communications, utilities and other rent.....		15		100		1,560		1,675
Printing and reproduction.....		90		117		4		271
Other services.....		6,450		69,178		5,948		81,576
Supplies and materials.....		40		81		3,716		3,837
Equipment.....		45		110		960		1,115
Total workyears and obligations, 1994	1	6,800	2	70,650	8	12,574	11	90,024

Federal Prison System
Buildings and Facilities
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and salary ranges	1983 Estimate		1984 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
GS/04-13, \$34,930-\$45,406.....	4		4		...	
GS-12, \$29,374-\$38,185.....	7		8		1	
GS-11, \$24,509-\$31,861.....	4		4		...	
GS-7, \$16,559-\$21,527.....	1		1		...	
GS-6, \$14,901-\$19,374.....	1		1		...	
Upgraded positions.....	13		18		5	
Total, appropriated positions.....	30	\$779	36	\$644	6	-\$135
Pay above stated annual rates.....	...	3	...	...	...	-3
Lapses.....	-9	-235	-2	-35	7	200
Net savings due to lower pay scales for part of year.....	...	-2	...	...	...	2
Net permanent.....	21	545	34	609	13	64

Federal Prison System
Buildings and Facilities
Summary of Requirements by Grade and Object Class (cont.)
(Dollars in thousands)

Object Class	1943 Estimate		1944 Estimate		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Full-time permanent and total, workyears and personnel compensation.....	21	\$545	34	\$609	13	\$64
2 Personnel benefits.....		51		34		-13
21 Travel and transportation of persons.....		118		231		113
22 Transportation of things.....		103		172		69
23.2 Communications, utilities & other rent.....		1,558		3,244		1,686
24 Printing and reproduction.....		63		161		98
25 Other services.....		37,393		32,228		-5,165
26 Supplies and materials.....		7,879		5,664		-2,215
31 Equipment.....		1,922		1,449		-473
32 Lands and structures.....		641		...		-641
42 Insurance claims and liabilities.....		1		...		-1
Total obligations.....		50,274		43,796		-6,478
Unobligated balance, start-of-year.....		-59,937		-16,330		43,607
Unobligated balance, end-of-year.....		16,330		69,676		53,346
Total requirements.....		6,667		97,142		90,475
Relation of obligations to outlays:						
Obligations incurred, net.....		50,274		43,796		
Obligated balance, start-of-year.....		5,549		25,962		
Obligated balance, end-of-year.....		-25,962		-24,358		
Outlays.....		29,821		45,330		

DEPARTMENT OF JUSTICE
Federal Prison System
Federal Prison Industries, Incorporated
Estimates for Fiscal Year 1984
Table of Contents

<u>Item</u>	<u>Page</u> <u>Number</u>
Summary Statement.....	1
Proposed Appropriation Language.....	2
Summary of Requirements.....	3
Justification of Program and Performance.....	4
Detail of Permanent Positions by Category.....	7
Summary of Adjustments to Base.....	8
Summary of Requirements by Grade and Object Class.....	9

Federal Prison System
Federal Prison Industries, Incorporated

Summary Statement

Fiscal Year 1984

The Federal Prison System is requesting for Federal Prison Industries, Incorporated, in 1984, a total of 808 permanent positions and 804 workyears. This request represents an increase of 10 positions and 10 workyears from the 1983 level.

Federal Prison Industries, Incorporated, was created by Congress in 1934 and is a wholly owned Government corporation. The Corporation is authorized to operate industries in Federal penal and correctional institutions and disciplinary barracks (18 U.S.C. 4121-4128). Supervision is provided by the Director of the Bureau of Prisons who has jurisdiction over all Federal penal and correctional institutions. Profits from the Corporation's industrial activities are used to fund activities which benefit Federal inmates by providing vocational training and for compensating inmates performing outstanding services in institutional operations. Central office administrative expenses and vocational training funds are subject to Congressional limitation.

Administrative expenses - A board of six directors, appointed by the President and serving without compensation, controls the policies of the Corporation. General management of the Corporation is presently performed by a staff of 42 employees located in Washington, D.C. Expenses of this function are subject to Congressional limitation.

Vocational training expenses - The vocational training expenses limitation provides funds for active educational and vocational training programs that are designed to prepare residents for productive and meaningful employment upon release. Efforts are being made to explore an increasing range and variety of vocational training opportunities to meet the program goal. Expenses of this function are subject to Congressional limitation.

Industrial manufacturing program - Approximately 6,750 inmates in 39 locations are currently employed in the manufacture of such items as furniture, clothing, shoes, electronics, metal and canvas products. They also work in services industries such as furniture refinishing, tire recapping and data processing. All products of the Corporation are sold to Federal agencies; the Department of Defense, the Postal Service, and the General Services Administration are the largest customers. In 1984, increases of 10 positions and 10 workyears are requested to establish industrial operations at the new Tucson, Arizona Metropolitan Correctional Center; improve production quality control; and provide supervision and training for additional inmates expected to result from the increases in inmate population.

Federal Prison System

Federal Prison Industries, Incorporated

Justification of Proposed Changes in Appropriation Language

The 1954 budget estimates include proposed changes in appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Federal Prison Industries, Incorporated

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of not to exceed five (for replacement only) and hire of passenger motor vehicles, except as hereinafter provided:

LEADUPON ON ADMINISTRATIVE AND VOCATIONAL TRAINING EXPENSES
FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed [\$2,524,000] of the funds of the corporation shall be available for its administrative expenses, and not to exceed [\$5,216,000] for the expenses of vocational training of prisoners, both amounts to be computed on an accrual basis and to be determined in accordance with the corporation's prescribed accounting system in effect on July 1, 1946, and shall be exclusive of depreciation, payment of claims, expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

\$2,710,000
\$6,613,000

Summary of Requirements
(Dollars in thousands)

Paym. Pos.	Wkck- years	Amount
------------	----------------	--------

1983 Initial estimate of obligations.
1983 Pay supplemental requested.

1983 initial estimate of obligations.....	798	\$154,348
1983 Pay supplemental.....	...	...
Limitation for administrative expenses.....	109	...
Limitation for vocational training expenses.....	113	...
1983 revised estimate of obligations.....	798	154,576
Uncontrollable increases.....	...	5,993
Decrease (automatic non-policy).....	...	-219
1984 Base.....	798	160,344

Estimates by budget activity

	1982 Actual		1983 Estimated Obligations		1984 Base		1984 Estimate		Increase/Decrease	
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount
Expenditures by budget activity										
1. Administrative expenses.....	42	39 \$2,373	42	39 \$2,633	42	39 \$2,770	42	39 \$2,770	...	...
2. Vocational training expenses...	97	84 2,839	97	84 6,129	97	84 6,613	97	84 6,613	...	...
Sub-total, funds subject to Congressional limitation...	139	123 5,212	139	123 8,762	139	123 9,323	139	123 9,323	...	...
3. Cost of production.....	654	672 146,975	659	671 125,408	659	671 129,853	669	681 130,760	10	\$307
4. Other expenses.....	...	...	...	...	...	...	...	...	...	...
5. Buildings and improvements.....	...	...	...	...	...	...	...	...	...	...
6. Machinery and equipment.....	...	...	...	...	...	...	...	...	...	...
Subtotal.....	654	672 144,549	659	671 145,608	659	671 151,021	669	681 151,328	10	307

730	738	149,761	738	734	154,570	738	734	160,344	808	804	160,651	10	10	307
Total.....														

Federal Prison System

Federal Prison Industries, Incorporated

Justification of Program and Performance Activity Resource Summary (Dollars in thousands)

Activity: Federal Prison Industries, Inc.	1943 Estimated Obligations		1964 Base		1964 Estimate		Increase/Decrease	
	Pos.	Wt. Amount	Pos.	Wt. Amount	Pos.	Wt. Amount	Pos.	Wt. Amount
Administrative Expenses.....	42	39 \$2,633	42	39 \$2,700	42	39 \$2,700	...	...
Vocational Training Expenses.....	97	84 6,129	97	84 6,613	97	84 6,613	...	...
Industrial Operations:								
Cost of Production.....	659	671 125,408	659	671 129,853	669	681 130,160	10	10 \$307
Other Expenses.....	...	...	...	...	...	...	...	...
Buildings and Improvements.....	...	...	...	...	...	...	...	...
Machinery and Equipment.....	...	...	...	...	...	...	...	...
Total.....	783	784 154,570	788	784 160,344	808	804 160,651	20	20 \$307

Federal Prison Industries, Incorporated, was created by Congress in 1934 and is a wholly owned Government Corporation. Its mission is to employ and train Federal inmates through a diversified program providing products and services to other Federal agencies. These operations are conducted in such a manner as to offer a minimum of competition to private industry and labor. Employment provides inmates with work, occupational knowledge and training and experience. New industries which will utilize skills in demand in the labor market are developed, where possible, to replace industries providing less valuable training.

Long Range Goal: employ all inmates available for work in Industries; provide inmates opportunities to acquire work knowledge, skills, training and apprenticeship programs to develop entry level skills.

Major Objectives:

Operate 80 industrial factories and shops with inmate labor.

Provide on-the-job training to 7,000 inmates in all industrial factories in 1964.

Provide classroom-type industrial training in electronics, computer programming, and all production training units.

Provide apprenticeship programs for acquiring trade skills, such as printing, metal working and tool making.

Sell products and services to other Federal agencies at a profit.

Transfer funds to the Bureau of Prisons to support inmate performance pay.

Fund administration and improvement programs for the enhancement of inmate training.

Implement an automated management information system by 1985.
Improve the quality Awareness Program by placing quality control positions in all institutions with major industrial operations.

Base Program Description: Federal Prison Industries, Inc., is entirely self-sustaining. No appropriations are required. Revenues are derived entirely from the sale of products and services to other Federal agencies. Operating expenses are applied against these revenues, resulting in operating income or loss.

Institution factories and shops are operated by orders of civilian supervisors and managers, training and counseling the work of inmates. The factories utilize raw materials to produce finished goods which are shipped to Government customers, primarily the Department of Defense, the Postal Service and the General Services Administration. Institution factories manufacture such items as furniture, clothing, shoes, electronics, metal and canvas products, and provide such services as auto processing, furniture refinishing, and tire reapplying. Orders for goods and services are obtained through marketing and sales efforts by civilian staff. Prices are usually established in negotiation with customer agencies at or near to, but not exceeding, current market prices. A portion of the profits realized by these operations is reinvested to improve facilities, purchase new equipment, maintain state-of-the-art capability and provide working capital.

To operate modern factories and shops and produce products that must meet Government specifications requires extensive inmate training because most of the inmates have had no previous training, experience or skills. Much of the needed training occurs on-the-job, with civilian supervisors and experienced inmates equipping and demonstrating the work to newly assigned inmates. Where skills require some formal training, such as computer programming, classroom instruction is provided. Production Training Units, a special type of industry concentrating on training more than production, utilizes a combination of both classroom and on-the-job training to offer a unique and effective method of skill development. Also, registered programs of apprenticeship are in operation and approved by the U.S. Department of Labor's Bureau of Apprenticeship and Training and local unions.

As a manufacturing concern, the Corporation makes capital investments in buildings/improvements, machinery and equipment as necessary in the conduct of its industrial production. Federal Prison Industries currently funds part of the vocational training program within the Federal Prison System.

Other expenses charged to the industrial manufacturing program include inmate accident compensation and Meritorious Service Awards (MSA) to inmates.

Accomplishments and Markload: Actual and estimated accomplishments for Federal Prison Industries, Inc. are presented in the following table:

Item	1981	1982		1983		1984	
		1982	1983	1983	1984	1983	1984
Average inmate employment.....	6,494	6,504	6,750	7,000	7,000		
New facilities established.....	2	0		2	2		
Sales.....	\$128,000,000	\$147,571,000	\$150,000,000	\$156,000,000	\$156,000,000		
Industrial earnings.....	15,700,000	23,040,000	25,000,000	26,000,000	26,000,000		
Use of earnings:							
Vocational training.....	2,977,000	2,839,000	6,700,000	6,500,000	6,500,000		
MSA (performance awards, pay).....	3,393,000	3,994,000	5,000,000	5,250,000	5,250,000		
Accident compensation.....	166,000	275,000	200,000	200,000	200,000		
Retained earnings.....	9,000,000	13,507,000	20,000,000	20,500,000	20,500,000		
Number of shops/factories.....	76	70	71	71	72		

during 1982, an average of 6,594 inmates was employed at 38 institutions in 70 factories. This represented 32.8 percent of the working inmate population. In addition, the initial phase of the equipment modernization program was completed; prototype products, including the Kelvar helmet for the Department of the Army, and the Communication Cable (1/4 miles) for Combat Electronics Communication Command, were introduced; installation of the Corporation's major data processing system, APDS, continued on schedule; new staff training programs were established for production planning, cost accounting, and industrial supervision; and apprenticeship training goals were met at all institutions.

Program Changes:

Increases of 10 positions, 10 workyears and \$307,000 are requested in 1984. Three of these positions, a superintendent and two factory positions, are requested to establish industrial operations at the new Tucson, Arizona Metropolitan Correctional Center. Three quality assurance specialists are requested to rectify quality control deficiencies identified at several factories. Finally, four foreman positions are requested, one each for metals, electronic, textiles and data/graphics operations, to provide adequate supervision for the additional inmate employees anticipated as a result of the increased inmate population.

Federal Prison System
Federal Prison Industries
 Detail of Permanent Positions by Category
 Fiscal Years 1983-1984

Category	1982 Authorized	1983 Authorized	1984	
			Program Increases	Total
Other Legal and Kindred (900-998).....	1	1	...	1
Correctional Institution Administration (006).....	3	3	...	3
Correctional Offices (007).....	3	3	...	3
Personnel Management (200-299).....	2	2	...	2
General Administration Clerical and Office Services (300-399).....	82	82	...	82
Accounting and Budget (500-599).....	75	75	...	75
Engineering and Architecture Group (800-899).....	5	5	...	5
Information and Arts Group (1000-1099).....	3	3	...	3
Business and Industry Group (1100-1199).....	92	92	10	105
Mathematics and Statistics Group (1500-1599).....	...	1	...	1
Equipment, Facilities and Service Group (1600-1699).....	39	38	...	38
Administration Group (1700-1799).....	96	96	...	96
Supply Group (2000-2099)(1910).....	31	31	...	31
Transportation (2100-2199).....	2	2	...	2
Ungraded (culinary, farm, mechanical & construction).....	359	361	...	361
Total.....	793	798	10	808
Washington.....	111	111	...	111
U.S. Field.....	682	687	10	697
Total.....	793	798	10	808

Federal Prison System
Federal Prison Industries, Incorporated
Summary of Adjustments to Base
(Dollars in thousands)

	1983	1984	1985
1983 estimated obligations.....	798	794	\$154,570
Uncontrollable increases:			
Annualization of 1983 pay increases.....	...	...	20
Within-grade increases.....	...	...	127
Health benefits costs.....	...	...	79
Standard Level User Charges.....	...	...	12
Federal Telecommunications System (FTS).....	...	...	21
General Pricing Level Adjustment.....	...	...	5,724
Total, uncontrollable increases.....	...	...	5,993
Decreases (automatic non-policy)			
One less compensable day.....	...	...	-137
Non-recurring cost for change in hourly rate.....	...	...	-92
Total, decreases.....	...	...	-219
1984 Base.....	798	794	160,344

Federal Prison System

Federal Prison Industries, Incorporated

Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and salary ranges	1983 Estimate		1984 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
GS-4, \$63,900.....	3		3		...	
GS/GM-15, \$48,553-63,115.....	8		8		...	
GS/GM-14, \$41,277-53,661.....	14		14		...	
GS/GM-13, \$34,930-45,406.....	31		31		...	
GS-12, \$29,374-38,185.....	62		63		...	
GS-11, \$24,509-31,861.....	124		124		...	
GS-10, \$22,307-29,003.....	21		21		...	
GS-9, \$20,256-26,331.....	94		97		...	
GS-8, \$18,339-23,838.....	25		25		...	
GS-7, \$16,559-21,527.....	34		34		...	
GS-6, \$14,901-19,374.....	17		17		...	
GS-5, \$13,369-17,383.....	26		26		...	
GS-4, \$11,940-15,531.....	7		7		...	
GS-3, \$10,645-13,840.....	3		3		...	
GS-2, \$9,756-12,278.....	1		1		...	
Ungraded positions.....	328		334		...	
Total positions.....	780	\$24,196	803	\$24,448	10	\$256
Pay above stated annual rates.....	...	92	...	...	...	-92
Leaves.....	-4	-122	-4	-121	...	1
Net permanent.....	774	24,166	804	24,327	10	159

Federal Prison System
Federal Prison Industries, Incorporated, Prison Industries Fund
Summary of Requirements by Grade and Object Class (cont.)
(Dollars in thousands)

Object Class	1983 Estimate Workyears	Amount	1984 Request Workyears	Amount	Increase/Decrease Workyears	Amount
11 Remuneration compensation:						
11.1 Remuneration positions.....	672	\$20,593	682	\$20,756	10	\$163
11.3 Positions other than permanent.....	9	293	9	293	...	...
11.5 Other personnel compensation.....	15	699	15	699	...	...
11.8 Special personal services payments.....	...	13,429	...	13,429	...	...
Subtotal.....	696	35,214	706	35,377	10	163
Other objects						
12 Personnel benefits.....		4,274		4,414		140
13 Benefits for former personnel.....		49		49		...
21 Travel and transportation of persons.....		599		420		21
22 Transportation of things.....		619		649		31
23.1 Standard level user charges.....		27		31		4
23.2 Communications, utilities, and other rent.....		4,470		4,726		256
24 Printing and reproduction.....		12		12		...
25 Other services.....		1,296		1,444		148
26 Supplies and materials.....		87,741		92,090		4,349
31 Equipment.....		5,000		5,255		255
32 Lands and structures.....		6,500		6,831		331
93 Administrative expenses (see separate schedule). Vocational training expenses (see separate schedule).....	39	2,603	39	2,710	...	77
	84	6,329	84	6,613	...	284
Total workyears and obligations.....	819	154,570	829	160,051	10	6,081
Unobligated balance, start-of-year.....		78,135		78,135		
Unobligated balance, end-of-year.....		78,135		78,135		

Federal Prison System
Federal Prison Industries, Incorporated, Administrative Expenses
Summary of Requirements by Grade and Object Class (cont.)
(Dollars in thousands)

Object Class	1963 Estimate		1964 Estimate		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount
11 Personnel compensation:						
11.1 Permanent positions.....	38	\$1,321	38	\$1,325	...	\$4
11.3 Positions other than permanent.....	...	21	...	21	...	...
11.5 Other personnel compensation.....	1	7	1	7	...	...
Total.....	39	\$1,349	39	\$1,353	...	4
Other Objects						
12 Personnel benefits.....		155		162		7
21 Travel and transportation of persons.....		127		133		6
22 Transportation of things.....		32		34		2
23.1 Standard level user charges.....		52		59		7
23.2 Communications, utilities, and other rent.....		17		18		1
24 Printing and reproduction.....		118		124		6
25 Other services.....		678		717		39
26 Supplies and materials.....		105		110		5
93 Administrative expenses included in schedule for funds as a whole.....		-2,633		-2,710		-77
Total obligations.....		...		...		...

Summary of Requirements by Grade and Object Class (cont.)
(Dollars in thousands)

Total requirements.....

GENERAL STATEMENT

Mr. EARLY. We are pleased to have Norman Carlson, the Director of the Bureau of Prisons, with us again this year.

Mr. Carlson, I understand you have a prepared statement. We will be pleased to hear from you at this time.

Mr. CARLSON. Yes, Mr. Chairman, I do have a prepared statement and, with your permission, I would like to introduce it into the record and summarize if I may.

Mr. Chairman, the major thrust of our appropriation request for 1984 is to reduce the serious level of overcrowding that is confronting virtually every State and Federal prison in the United States. As of this date, the Federal prison population stands at 29,800, which represents an increase of 1,800 inmates over one year ago, and 5,500 over the past two years.

That is not really a true picture, however, because we have released over 1,100 Cuban and Haitian detainees that were being held for the Immigration and Naturalization Service. In addition, we have placed an additional 1,000 inmates in Community Treatment Centers or halfway houses. If those two groups were still with us, we would have over 31,000 inmates in Federal prisons today.

Mr. Chairman, I have a chart which is indicative, I think, of the shift in the prison population at the Federal level. As you will note, since 1980 there has been a rather substantial increase. We are now at nearly 30,000 offenders, which was the record high the Bureau of Prisons experienced in 1978.

The primary reason for the increase in our population has been the emphasis that the FBI and the Drug Enforcement Administration have placed on narcotics convictions. The commitments for narcotic violations went up last year by 23 percent over the preceding year. In 1982 there were 23 percent more narcotics convictions coming into our system than there had been in 1981. In addition, the average length of sentence imposed by Federal courts for narcotic violators went up by 11 percent—again indicating the type of cases that are being brought before the Federal courts. Armed bank robbery also increased last year. We anticipate a continuation of this trend of increased commitments as a result of the strike forces that are now being set up across the country by DEA and the FBI.

The budget we have submitted is based on an average population in 1984 of 30,000. We are at 29,800, and undoubtedly will reach the 30,000 figure sometime next month.

I have one other chart, Mr. Chairman, which indicates the type of offenders that are being committed by Federal courts. This compares fiscal year 1972 with 1982.

As you will note, narcotic violations constituted less than 20 percent of the total inmate population 10 years ago. Today it comprises nearly 27 percent. By the same token, robbery, which is primarily armed bank robbery, has gone from under 20 percent to nearly 23 percent during that 10-year period—again reflecting the shift in prosecution policies by U.S. Attorneys.

Another interesting point is that 10 years ago, auto theft, which is a violation of the Dyer Act, constituted 14 percent of the inmate population. Today it is less than 3 percent of the total. Again, the

shift has been made by the U.S. Attorneys in their prosecution policies.

At the present time, the inmate population of nearly 30,000 is confined in facilities with a capacity of 24,000, resulting in a shortfall of over 5800 beds, or an overcrowding level of nearly 24 percent. Obviously we can't continue to put even more people into already overcrowded institutions.

I would like to point out, Mr. Chairman, that only one-third of the offenders under federal supervision are incarcerated. Federal courts use alternatives to incarceration to a considerable extent.

As you will note at the bottom of the chart, there are 89,000 offenders under some form of federal supervision on a daily basis, and of that number, only 29,800 are incarcerated.

The other two-thirds of all federal offenders are in the community under an alternative program, probation being the largest number, with over 40,000 offenders per day. Other alternatives include pretrial diversion with over 2,000, parole with over 15,000, and community treatment centers with approximately 2,000. The point is that two-thirds of all offenders under some type of federal supervision on any given day are not incarcerated, but rather are in the community under an alternative program.

SOLUTIONS TO THE OVERCROWDING PROBLEM

The budget we are presenting, Mr. Chairman, attempts to deal with the problem of overcrowding in three primary ways. First of all, as you will note, we have proposed the construction of three new institutions. Expansion of seven existing institutions is currently funded, and expansion is proposed for three more in 1984 as part of the Organized Crime Drug Enforcement Program.

Secondly, we propose to expand the use of halfway houses or Community Treatment Centers as an alternative to incarceration.

Third, we plan to continue our efforts to locate surplus facilities which can be converted to prison use at low cost and in a short time frame.

In the area of construction, we have requested \$40 million to build a Los Angeles Metropolitan Correctional Center which is critically needed.

At the present time, we have over 400 pretrial detainees at the Federal Correctional Institution in Terminal Island near Long Beach, California. The institution was not designed to be used as a jail. It is a considerable distance from the courthouse and a great inconvenience both to Federal judges and the U.S. Marshals Service, as well as the offenders attorneys.

In addition to the Los Angeles facility, we propose to construct a 500-bed institution in the northeast region, and we are also asking for site and planning money for a second new northeastern institution. The Northeast is our most overcrowded region, particularly in terms of the number of commitments that have come from the region during the past several years.

We are also requesting \$6 million to expand the use of Community Treatment Centers or halfway houses. This would allow us to have an additional 500 inmates per day in halfway houses rather than institutions. These would be both offenders who are nearing

release from custody as well as those who are being committed directly to halfway houses by the courts in lieu of incarceration.

Finally, we are continuing efforts to locate surplus property which can be used for prison space. As you will recall, some three years ago this committee gave us funds to activate prison camps at Boron, California, and Big Spring, Texas, two former Air Force sites.

Last year, the Committee provided funds to activate a similar facility at Mt. Laguna near San Diego, California. We are still working on the Mt. Laguna site. There has been community opposition to the proposal as well as some environmental concerns expressed. We are hopeful, however, that we will be able to overcome the opposition and activate the Mt. Laguna camp within the next several months.

In addition, we are looking at two former colleges which are now closed, one in Vermont and one in the State of Oregon, which possibly could be used as minimum security institutions. Neither of these have been finalized and we have not yet requested funds for their activation, but I want to assure you that we are looking at surplus facilities that may become available that could be used to help our overcrowding problem.

SALARIES AND EXPENSES

In the Salaries and Expenses appropriation, we are requesting an increase of 70 positions for the Medical Center for federal prisoners at Springfield, Missouri. There is a renovated 105-bed chronic care unit at that hospital which is nearly completed, and the 70 positions will be used to provide full-time medical coverage.

In addition, we have requested 22 positions to expand medical coverage, where required at the other institutions in the Bureau of Prisons.

We have also requested 68 positions, but no funds, to help maintain the Cuban population at the U.S. penitentiary in Atlanta, Georgia. As you will recall, we had over 1,800 Cuban detainees last year. That number is now down to slightly over 1,000, but from all the indicators that we have, those Cubans will be with us for a substantial period of time.

We plan to keep the Atlanta Penitentiary open and we plan to renovate it as we are with the Leavenworth Penitentiary.

NATIONAL INSTITUTE OF CORRECTIONS

Mr. Chairman, let me comment briefly concerning the National Institute of Corrections, which, as you know, is administratively attached to the Bureau of Prisons. As you commented, we requested an increase of \$600,000 to cover uncontrollables but requested no additional staff.

NIC continues to provide training assistance and considerable support to State and local correctional agencies. I think with its limited budget, NIC has done an outstanding job of attempting to help the states and localities with the problems they are facing.

FEDERAL PRISON INDUSTRIES

For Federal Prison Industries, we have requested resources which will enable us to expand work opportunities, particularly in the face of an increased population. We have asked for 10 additional positions which require no appropriated funds, to allow us to expand the number of inmates who work for Federal Prison Industries.

To me, there is nothing more important in a correctional institution than to provide inmates with a constructive way in which to utilize their time. I believe Federal Prison Industries has played a vital role, as far as the Federal Prison System is concerned.

LIMITED PRISON SPACE

In conclusion, Mr. Chairman, let me say that I believe prison space is a finite and increasingly scarce resource in the criminal justice system. What we have to do is to maximize its usage to make the greatest possible impact in the criminal justice system.

I continue to support efforts to establish a sentencing commission that would develop guidelines for use by Federal judges. I think it is the only way to go if we intend to increase the effectiveness of the overall operation of the criminal justice system.

Above all, we have to make certain that there is prison space available for those who the Federal courts believe must be incarcerated.

That concludes my brief summary, Mr. Chairman. I would be very pleased to answer any questions you or your colleagues may have.

[The prepared statement of Mr. Carlson follows:]

DEPARTMENT OF JUSTICE

STATEMENT BY THE DIRECTOR, BUREAU OF PRISONS
NORMAN A. CARLSON
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON
THE DEPARTMENTS OF COMMERCE, JUSTICE AND STATE, THE
JUDICIARY, AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee:

I appreciate the opportunity to appear before you to discuss the Federal Prison System's budget request for 1984.

We are requesting a total of \$535,070,000 and 9,357 appropriated positions for 1984, an increase of \$119,931,000 and 212 positions above current year levels. The major thrust of the increase is to expand capacity in order to relieve the severe overcrowding which has resulted from a rapidly growing inmate population.

Institutional Population

Correctional systems throughout the nation are experiencing unprecedented growth in offender populations. When I appeared before the Subcommittee last year, I reported an increase of 3,500 inmates in the Federal system. Since that time, the population has grown another 1,800 to a total of 29,700. This increase occurred despite the release of more than 1,100 Cuban and Haitian detainees and the transfer of more than 1,000 additional offenders to community treatment centers. A major portion of the increase in inmate population is the direct result of expanded law enforcement efforts against drug trafficking and organized crime. Inmate commitments in 1982 for major drug violations increased by 23 percent over 1981. At the same time, the average sentence for narcotics offenses increased by 11 percent.

- 2 -

While the prison population is increasing, it is important to remember that only one-third (32%) of all offenders under Federal supervision are confined in institutions. There are many alternatives to incarceration which are used by Federal courts, particularly for non-violent and non-dangerous offenders. Seven out of every ten offenders under Federal supervision in 1982 were in pre-trial diversion programs, probation or parole supervision or placed in community treatment centers.

During this period of rapid population growth, we have taken a number of steps within existing resources to make certain that inmates can serve their sentences in a safe and humane environment. A new inmate classification system has been developed to insure that offenders are placed in the least restrictive and least expensive correctional environment. The percentage of offenders placed in minimum security camps has substantially increased under this classification system and now stands at 25 percent of the total sentenced population. At the same time, the escape rate has decreased. We have also continued to provide programs of vocational training, industrial work and recreation.

The current Federal prison population of 29,700 offenders is housed in facilities with a rated capacity of only 24,000. This results in a shortfall of 5,700, or expressed in other terms -- an overcrowding level of nearly 24 percent.

While recognizing the many complexities, variables and uncontrollables involved in population forecasting, we believe that the inmate population will continue to increase during the 1980's. We estimate that the Federal prison population will average at least 30,000 during 1984 and will reach 31,300 by 1987. These estimates are admittedly conservative in order to insure that we do not needlessly expand capacity and, thereby, waste scarce Federal resources.

Funds have previously been provided for construction of a Federal Correctional Institution in Phoenix, Arizona which will provide 400 additional beds. Site preparation is now underway and construction will begin in November. The facility will be ready for operation in May of 1985. At the same time, we are planning to increase the capacity at existing institutions wherever possible by the construction of additional housing units or satellite camps. The Department of Justice received funds in the 1983 Continuing Resolution to expand seven institutions by 780 beds as part of the Organized Crime Drug Enforcement Program. The 1984 request for this same program includes funds for 340 beds at three additional institutions.

Despite these efforts, Federal institutions will be at least 24 percent overcrowded by 1987 unless additional funding is provided. With longer sentences being imposed by Federal Courts and more violent offenders, this would be an intolerable level of overcrowding which could lead to increased violence within institutions and higher escape rates. Furthermore, we would expect serious criticism from the Federal Judiciary regarding overcrowding and conditions of confinement.

The recent tragic murders of two staff members is illustrative of the increasing violence we are facing. On Christmas day, a staff member was killed during an inmate altercation at the Federal Correctional Institution in Petersburg, Virginia. On February 6, a correctional officer was assaulted by a group of offenders attempting to escape from the Metropolitan Correctional Center in San Diego. He died from his injuries the following day. We cannot tolerate such violence and must act responsibly to assure that staff, as well as inmates, are provided security and protection.

Buildings and Facilities

We are requesting \$97,142,000 and 36 positions in 1984 for Buildings and Facilities. Three projects totalling \$77,450,000 are proposed which, combined with the capacity expansion at the ten existing institutions, would further reduce overcrowding. These include the construction of a critically needed Metropolitan Correctional Center in Los Angeles, construction of a Federal Correctional Institution in the northeast region and site acquisition and planning funds for an additional Federal Correctional Institution in the northeast region.

New Construction

The Metropolitan Correctional Center will provide a long term solution to a serious detention problem in the Los Angeles area. We are temporarily housing over 400 pre-trial detainees at the Federal Correctional Institution, Terminal Island, California. This is an unsatisfactory situation as the facility was not designed for detention purposes and has major security weaknesses. Also, defendants must be transported considerable distances back and forth to Federal Court at great inconvenience to the judges, the U.S. Marshals Service and to the inmates and their attorneys. With the construction of the Metropolitan Correctional Center, Terminal Island can be converted to its original mission of housing sentenced Federal offenders and thereby alleviate serious overcrowding in the western region.

The two Federal Correctional Institutions requested for the northeast region are also urgently needed. In addition to helping reduce overcrowding, the proposed institutions will permit us to keep a higher percentage of offenders closer to their homes. This is a goal which we believe facilitates the maintenance of family ties, thereby increasing the chances of an offender's success following release.

Alternatives to New Construction

We recognize that new prison construction is expensive and we are continually seeking alternatives. In recent years, we have acquired surplus property and in a short period of time converted it for correctional use at a relatively low cost. Recent acquisitions of this type include the Federal Prison Camps at Boron, California and Big Spring, Texas. Although we have met some local opposition, we are continuing with efforts to acquire the former Mt. Laguna Air Force site near San Diego. We have recently identified two additional properties which we believe could be economically converted for use as prison facilities. If these properties prove suitable and are obtainable, we would seek future funding for their acquisition and conversion.

Modernization and Repair of Existing Institutions

The remainder of our 1984 request for Buildings and Facilities, Mr. Chairman, includes \$8,439,000 to continue conversion of the U.S. Penitentiary, Leavenworth, Kansas to a modern correctional facility and \$4,135,000 for 11 essential renovation projects at nine institutions.

Salaries and Expenses

For the Salaries and Expenses Appropriation, we are requesting \$426,263,000 and 9,291 positions, an increase of \$28,841,000 and 206 positions. An increase of \$22 million is requested for uncontrollable items including mandatory pay raises, the increased inmate population, annualization of costs for increases authorized in 1983 and escalation in operational costs. This increase is offset by uncontrollable decreases of \$2.7 million.

As I indicated previously, new construction is not the only solution to the problem of overcrowding. The largest increase requested for the Salaries and Expenses Appropriation is \$6 million to expand the Community Treatment Center program. This will permit us to place an additional 500 inmates in community centers and thereby reduce institution population.

The Federal Prison System has always attempted to provide comprehensive and high quality health care. We are requesting \$2,062,000 and 92 positions which will permit the activation of a newly renovated 105-bed unit at the Medical Center in Springfield, Missouri, and will provide expanded medical coverage at other institutions.

Mr. Chairman, we are requesting \$1.4 million to finance increased costs related to housing an estimated average daily inmate population of 30,000 in 1984, an increase of 1,000 over the level financed by the current services budget. We believe this request is conservative as the current inmate population is 29,700.

U.S. Penitentiary, Atlanta, Georgia

As you recall, the 1981 budget included reductions of \$2.5 million and 142 positions based on the planned closing of the U.S. Penitentiary in Atlanta, Georgia. Following the illegal immigration of a large number of Cuban aliens and the subsequent dramatic increase in inmate population throughout the Federal Prison System, it became necessary to abandon plans to close the Atlanta Penitentiary. The Subcommittee agreed with the proposal that Atlanta should remain open and be converted to a modern correctional facility. To keep Atlanta open required the reprogramming of positions and funds from other institutions. Because of the continued growth in inmate population, we cannot absorb the cutback in positions. We are requesting 68 positions without funding to offset the deficit in authorized staffing.

National Institute of Corrections

Mr. Chairman, I want to comment on the assistance we provide state and local correctional agencies. The National Institute of Corrections has, in my opinion, been extremely effective in responding to recommendations of the Chief Justice and the Attorney General's Task Force on Violent Crime by establishing the National Academy of Corrections in Boulder, Colorado. Improved training for correctional officers and administrators is, in the short run, the single most important action that the Federal Government can contribute to assisting state and local governments. We are requesting \$11,665,000 for the Institute in 1984, an increase of \$615,000 above the current year's funding which is to cover the Institute's uncontrollable increases.

Federal Prison Industries, Inc.

As you know, Federal Prison Industries, Inc., is a government corporation which finances industrial operations and inmate training programs with profits realized from sales of products to other Federal agencies. An increase of 10 positions is requested during 1984 to establish industrial operations at the Metropolitan Correctional Center in Tucson, Arizona; to improve production quality control; and to provide supervision and training for the anticipated increase in the inmate population. Funding for the staff increases does not require appropriated funds as all expenses of the Corporation are covered by earnings.

Sentencing Reform

Finally, Mr. Chairman, I believe prison space is a finite and increasingly scarce resource in the Federal Criminal Justice System. We must use it wisely in order to maximize its impact. In this context, I continue to support the proposal for the establishment of a Sentencing Commission which would develop guidelines for

- 8 -

Federal Judges. This proposal is included in the President's proposed Comprehensive Crime Control Act of 1983. Available and planned prison capacity are important criteria which can be used in developing such guidelines in order to insure that space is available for violent and dangerous offenders. At the same time, we cannot fall victim to the "tail wagging the dog" syndrome and permit insufficient prison capacity to thwart our Federal law enforcement efforts. It is a delicate balance that must be continually examined. I believe that the 1984 budget request we have presented is realistic and seeks to maintain that balance.

This concludes my statement, Mr. Chairman. I would be pleased to answer any questions you or your colleagues may have.

PRISON POPULATION

Mr. EARLY. Mr. Carlson, I have numerous questions. I am delighted to have you with us and I appreciate your remarks.

I am impressed to hear you talk about alternatives like halfway houses and surplus property.

Mr. Carlson, you know our business is foresight, not hindsight. I recall in 1981, as I saw in your chart, that the prison population had decreased. You suggested to this Committee that that trend was going to continue.

What was our prison population in late 1979?

Mr. CARLSON. Approximately 24,000, Mr. Chairman.

Mr. EARLY. In your remarks you mentioned indeterminate sentences. I think the alternatives are much more important now than they have ever been. I don't think we can rely on traditional means of criminal justice. I do think that the Bureau of Prisons does an outstanding job.

On the other chart, you showed the narcotics convictions to have increased by 23 percent between 1972 and 1982. Are those the convictions of sellers? Or are those people under the influence of narcotics when they break the law? Under what statistic would a bank robber who uses narcotics fall?

Mr. CARLSON. Under robbery. These are the offenses for which they were committed. These are people making money from narcotics trafficking by selling and transporting primarily heroin and cocaine.

Mr. EARLY. Comparing those percentages, I would think that although some of the percentages decrease, the population has grown.

What was the population in 1972, according to that chart? It must have been around 20,000.

Mr. CARLSON. The population was 21,000 in 1973.

Mr. EARLY. When you compare 21,000 to the number in 1982, which is close to 30,000, the percentages have decreased but the numbers haven't decreased, have they?

Mr. CARLSON. That is correct.

CRITERIA FOR MEASURING OVERCROWDING

Mr. EARLY. I think the Congress has to give you more direction. As far as overcrowding, you say that in your present facilities it is 24 percent?

Mr. CARLSON. 24 percent at the present time.

Mr. EARLY. What determines the right population size?

Mr. CARLSON. They are the physical capacities of the institutions.

Generally, this is the figure that was considered the design capacity at the time the institution was constructed. Essentially it means no double bunking. It means one inmate in every space that was designed for one inmate.

Mr. EARLY. Do you have any trouble, Mr. Carlson, putting two inmates together in prison cells that were built for one inmate, if the space is adequate for two? Would you call that overcrowding?

Mr. CARLSON. Mr. Early, what overcrowding does is exacerbate the tensions, the frustrations and the pressures that are present in any prison environment. When you put two inmates in a room or

space designed for one, what it does is cause further problems, additional tensions, and sometimes leads to disturbances.

OPTIMUM PRISON SIZE

Mr. EARLY. That goes back to the testimony we have heard on penal institutions for years. It has been said that the 500-unit facility is too big, even though we have a lot larger ones, and we continue to build 500-bed facilities.

Mr. CARLSON. Mr. Chairman, if we build a facility of 1,000, we end up with 1,500 in it. Relatively speaking, you can overcrowd at the same percentage that you are today.

I think it is far better to build an institution of approximately 500 than it would be to build a facility of 1,000 and then put 1,500 inmates in it.

Mr. EARLY. How much of that 24 percent that is overcrowded, is a problem to you? I am sure that some of these facilities have large enough rooms that they can accommodate two prisoners, overcrowded.

Mr. CARLSON. We have to make an assessment. I would agree with your premise that not all institutions are feeling the same degree of overcrowding, but I can assure you some dormitories, in particular where we double bunked throughout the dormitory, are beginning to present some real problems that concern our staff.

SUPERVISION OF PRISONERS

Mr. EARLY. On the other chart, showing supervision—everyone is getting to be a chart maker around here.

Mr. CARLSON. We have staff that prepare these charts.

Mr. EARLY. You have good charts.

Is 1982 compared to 1972?

Mr. CARLSON. No, it does not.

Mr. EARLY. Why? In 1972 were more criminals incarcerated, were more on probation or on parole?

Mr. CARLSON. I have to supply that for the record. I honestly don't know. I don't think, however, there has been a change in the overall mix. I believe approximately one-third of all offenders under Federal supervision have been incarcerated for at least the past 10 years.

[The following information was submitted:]

OFFENDERS UNDER FEDERAL SUPERVISION, 1972-82

The table below compares the distribution of offenders under Federal supervision in 1972 with that of 1982. The table reflects upward shifts in the distributions for pre-trial diversion and community treatment centers and a downward shift in mandatory release supervision between 1972 and 1982. The percentages of offenders under community supervision and those confined have remained nearly constant between 1972 and 1982.

Type of supervision	Fiscal year 1972		Fiscal year 1982	
	Number of offenders	Percent of total	Number of offenders	Percent of total
Probation.....	35,999	50	39,712	45
Parole.....	10,210	14	15,342	17

Type of supervision	Fiscal year 1972		Fiscal year 1982	
	Number of offenders	Percent of total	Number of offenders	Percent of total
Deferred prosecution (pretrial diversion)	767	1	2,117	2
Mandatory release	2,047	3	1,202	1
Community treatment centers	514	1	1,905	2
Subtotal, community supervision	49,537	69	60,278	68
Confined:				
Federal institutions	20,962	29	28,133	31
Contract	1,400	2	529	1
Subtotal, confined	22,362	31	28,662	32
Total offenders	71,899		88,940	

SUCCESS OF PAROLE

Mr. EARLY. I thought there were going to be more criminals confined?

Mr. CARLSON. Most people do, but these are realistic figures, Mr. Chairman. It does point out that probation is used extensively by Federal courts across the country.

Mr. EARLY. Have you assessed or studied the success of probation?

Mr. CARLSON. Yes, probation has a high percentage of success. Very few offenders that are placed on probation are subsequently convicted and committed to an institution.

At the same time, parole has a high success. They do select the best risk cases and have a better overall rate of success than the other inmates who are released.

So far as I am concerned, probation and parole have been effective in the Federal system.

NUMBER OF PRISONERS OVER 60 YEARS OF AGE

Mr. EARLY. Your prison population is 30,000. Could you tell me how many of those 30,000 are over 70 years old? I would like to know how many are over 60, 65 and 70, if you have that.

Mr. CARLSON. Mr. Chairman, 76 inmates of the 30,000 today are over 70 years of age. The oldest, by the way, is an 82-year-old gentleman who is still with us. We have 490 inmates that fall between ages 60 to 70.

Mr. EARLY. How many?

Mr. CARLSON. 490 fall between 60 and 70 years of age, and 76 are over age 70.

Mr. EARLY. Have we ever considered a facility for them? I would think they would not present escape risks. Have we ever considered a facility that houses them all together?

Mr. CARLSON. Yes, sir, Mr. Chairman. As a matter of fact, we use the two former narcotics hospitals, the two we acquired from the Department of Health and Human Services, one at Fort Worth, Texas, the other at Lexington, Kentucky. Both have units specifically designed for geriatric cases, who are infirm because of age and physical ailments.

Mr. EARLY. Did you say 490 are between the ages of 60 and 70, and 76 are older?

Mr. CARLSON. That is correct.

FACILITIES FOR THE AGED

Mr. EARLY. So we've got 566 aged prisoners. Those 566 people, do you know, roughly, how many facilities institutionalize them?

Mr. CARLSON. Mostly in the two institutions at Lexington and Fort Worth.

Mr. EARLY. How is that working?

Mr. CARLSON. Very well. These are minimum security institutions. They don't have a great deal of perimeter security. There are adequate medical care facilities available and function very well.

Mr. EARLY. They must draw prisoners from the whole country?

Mr. CARLSON. Yes, they do. We send offenders from all over the country to those two facilities.

Mr. EARLY. Do you receive the standard criticism about family visits when you don't keep them in local facilities?

Mr. CARLSON. Yes, that is a concern because they are geographically separated from their families. But we believe it is far more advantageous to place them in that type of institution than in a traditional prison.

Mr. EARLY. That situation, which has been a problem to you in the past, do you consider that to be less of a priority? It is less of a priority to me.

Mr. CARLSON. Yes, I would agree with you. I don't think that is a substantial concern. These are generally not dangerous offenders. They are not the people that are going to prey on their fellow citizens. It would certainly be a lesser priority to me.

Mr. EARLY. Also, the point about not institutionalizing them within 50 miles of their home.

Mr. CARLSON. That is correct. We are more concerned about their medical care.

Mr. EARLY. What happened in New York with the facility that was built for the Olympics and was turned into a prison? One of the issues of concern was that it was inaccessible and the inmates wouldn't be able to have visitors.

Was that a problem?

Mr. CARLSON. Absolutely not. It is a fine institution. It has served our purposes well, and I think it was a great decision this Committee made when they appropriated the funds to use the facility for a prison after it served as the Olympic village for the U.S. Olympics.

Mr. EARLY. How many prisoners are housed there now?

Mr. CARLSON. Approximately 700, 714 as of yesterday at Raybrook.

Mr. EARLY. How many was that built for?

Mr. CARLSON. 500.

PRISONERS WITH LESS THAN THREE YEARS

Mr. EARLY. That's not bad. Tell me this. I don't want to burden you with statistical questions, but of your 30,000 population, how many have sentences of less than three years, two years, one year?

Mr. CARLSON. Mr. Chairman, 2,350 are serving sentences of less than three years. 3,000 are serving sentences between one and two years.

Mr. EARLY. This is in addition?

Mr. CARLSON. Yes. Let me start from the front end. It would be easier to explain.

Mr. EARLY. You are starting to sound like the Justice Department. They confuse us with "over here and under there".

Mr. CARLSON. Mr. Chairman, I hope I never confuse this Committee. 2,514 are serving sentences under one year. Those serving sentences between one and two years total 3,000, and those serving sentences between two and three years total 2,350.

Mr. EARLY. So we have got almost 8,000 people who fall in the category of serving sentences of less than three years?

Mr. CARLSON. That is correct, Mr. Chairman.

Mr. EARLY. Do you see them as escape threats, Mr. Carlson?

Mr. CARLSON. No, I don't. The majority of them, of course, are housed in our minimum security camps, Allenwood, Lewisburg, Maxwell Air Force Base. They have been very cost effective.

It costs approximately \$5,000 a year to keep an inmate in a camp as contrasted to \$13,000 for the average inmate in the system.

I think we can house those short-term cases effectively in minimum security camps.

NUMBER OF INMATES HOUSED IN OTHER THAN FEDERAL PENAL INSTITUTIONS

Mr. EARLY. You know what surprised me in your statement, Mr. Carlson? I got the impression that those incarcerated in community houses and halfway houses are not included in your statistics.

Mr. CARLSON. That is correct.

Mr. EARLY. They are not counted?

Mr. CARLSON. They are not included. There are 2,000 inmates on any given day in a halfway house, in addition to the nearly 30,000 we have in institutions.

Mr. EARLY. You are one of the few bureaucrats who doesn't turn every statistic in his favor. Adding those numbers would certainly argue for new construction and expansion, the things you are requesting. They are not counted in that request?

Mr. CARLSON. They are not included, sir. The 29,800 which I gave you, is the actual number of inmates in the 43 institutions. Beyond that there are 2,000 inmates on any given day in a halfway house. And as I mentioned, in the 1984 budget, we are asking for an additional 500 beds, so we will have 2,500 inmates per day in halfway houses versus 2,000 today.

HALFWAY HOUSES

Mr. EARLY. Mr. Carlson, we heard from the Attorney General the other day. I was delighted with this year's budget in light of last year's budget, when he rationalized and justified budget cuts because of economic conditions.

At least this year he gave us the Justice Department budget relative to problems, which is the approach I favor. I don't think the

Justice Department should have to balance the budget and handle fiscal responsibilities; they should not be irresponsible, but they should ask for the amount of money they need to do their job.

I recall in earlier reductions, I don't remember whether it was in the 1980 or 1981 budget, Justice wasn't closing halfway houses, but reducing them tremendously. From remarks made the other day and from what you say, I get the impression that you have them filled nearly to capacity.

Mr. CARLSON. They are generally filled to capacity and we are using every dollar that this Committee has appropriated for use in the halfway house program.

Mr. EARLY. I would think, Mr. Carlson, we would be better off taking 80 percent of the 8,000 short-term prisoners and putting them in halfway houses. You could have latitude with the 20 percent who you still think are risks.

Mr. CARLSON. In the minimum security camps, yes, but I would question, Mr. Chairman, that we would want to put them directly into a halfway house. I think that white collar offenders in particular should serve some time in a minimum security camp at the very least.

If not, I think we in this country would end up with unequal justice where the rich can escape incarceration and the poor would unfortunately go to prison. So I think there is at least a need for short-term incarceration.

Mr. EARLY. That is always a risk and that is a legitimate worry, but I think it is exaggerated too. I think the media has exaggerated the luxury of minimum security prisons. This idea is to benefit us, not them. I am interested in freeing up these beds so that we don't have to keep expanding.

I would hope that chart that you showed us would eventually turn down.

Mr. CARLSON. Mr. Chairman, I do too, but I've got to say with the emphasis being placed on narcotic prosecutions, I don't think that is going to occur, at least for a number of years.

The strike forces which this committee has approved are now starting to become operational in the various cities of the country. Without question they are going to produce more cases for us. These are essentially large narcotic conspiracy cases where I think incarceration is the only realistic sanction.

Mr. EARLY. Chief Justices O'Connor and Powell made some very valid points about that. We have to examine the sentencing process. We can't tolerate 30,000 incarcerated people. It just doesn't end well.

Regarding these 8,000 people with less than three years—let's take the 2,500 with just one year; do you have any problem with putting all of them in halfway houses?

Mr. CARLSON. I would, Mr. Chairman. I think that they should to serve at least a portion of their sentence, in a minimum security prison.

Mr. EARLY. How many of them would be doing less than a year, or less than 18 months?

Mr. CARLSON. Less than 18 months? I would have to give you that for the record.

Mr. EARLY. Please provide it for the record.

[The information follows:]

SHORT SENTENCE OFFENDERS

Federal offenders serving one year or less number approximately 2,520. About 4,010 are serving 18 months or less.

SENTENCING COMMISSION

Mr. EARLY. Give me your professional judgment.

Most of the sentences that I see, for example of the three years sentences, criminals end up doing 18 months and then they are back out.

Is that fair?

Mr. CARLSON. Mr. Chairman, I think, as I indicated in my earlier comments, that if there were a sentencing commission established by the Congress, as has been proposed, that guidelines could be developed.

Mr. EARLY. Not another commission or committee, Mr. Carlson. We've got more people over in that Justice Department. Let them make some decisions. We don't need more committees.

Mr. CARLSON. This would not have to be a full-time commission, and it would not be in the Department of Justice. It would probably be in the Federal Judiciary, but I think at least it would develop guidelines for use by Federal courts. I think it would enable us to do a more effective job of utilizing the scarce prison resources that are available.

Mr. EARLY. Again, as far as your comments on incarceration, halfway homes and surplus properties, and we are going to get into surplus property later, we've got to come up with alternatives.

EXPANDED MEDICAL SERVICES

On the medical services, the budget request also reflects an increase, as you mentioned, of \$489,000 and 22 positions to expand 24-hour, 16-hour medical coverage at selected institutions.

How many of your institutions would have such coverage if this request was approved and how do you determine which institutions would have it?

Mr. CARLSON. All of them, Mr. Chairman, would have the coverage that we deem essential. The major institutions would have 24-hour coverage.

The minor institutions, particularly the minimum security camps, would have the 16-hour coverage, which we believe is sufficient.

Mr. EARLY. Do you think they need 24-hour coverage? Can't they do as most hospitals do, cut the staff down with a physician available during the day? Do we keep a physician there for that medical coverage?

Mr. CARLSON. No, these are paramedics, essentially physician assistants, Mr. Chairman, who work weekends and evening hours. They are not physicians.

As a matter of fact, most of the 22 positions would be physician assistants or paramedics that provide the initial screening of medical cases.

Mr. EARLY. That would give you coverage for all of your institutions?

Mr. CARLSON. Either 24 hours where we think it is necessary for a hospital to be fully operational, or in the case of the camps, the 16-hour coverage, which we think is sufficient.

Mr. EARLY. You spoke of the new 105-bed chronic care unit at Springfield, Missouri, Medical Center.

Mr. CARLSON. That is correct.

Mr. EARLY. There is an increase of \$1,573,000, and 70 positions. What specific types of cases are treated at this center?

Mr. CARLSON. Mr. Chairman, these will be cases that require domiciliary care which is beyond that provided in the traditional institutional hospital. They are people who are quadriplegic, or have a variety of heart conditions and need more attention than we can provide in any of the existing facilities.

Mr. EARLY. How many inmates do you have in that category?

Mr. CARLSON. I would have to provide that for the record. There are probably several thousand that have significant medical problems and require some type of medical care on a daily basis.

Mr. EARLY. I imagine they pose less of a security risk?

Mr. CARLSON. That is correct, sir, but they do require considerable medical attention.

Mr. EARLY. When is this opening?

Mr. CARLSON. This will be opening later this year. It is now in the final process of renovation. We have gutted the building, started from scratch, and made it into a fully accredited hospital wing. It will be staffed as a hospital, not as a prison. It will require 24-hour nursing coverage, in addition to additional ancillary medical professionals.

Mr. EARLY. Is that minimum security?

Mr. CARLSON. Springfield is an administrative institution that can handle all degrees of security. We have some inmates, for example, who are seriously injured as a result of gunshot wounds, and present a significant escape risk, and have to be housed behind the walls of the institution. Springfield does provide that degree of security.

In addition, Mr. Chairman, as you know, we have approximately 1,000 state prisoners that we board for the various states. We have some 50 from Massachusetts.

BOARDING OF STATE PRISONERS

Mr. EARLY. Everyone mentions Massachusetts. You said in your comments that we are overcrowded up there.

Mr. CARLSON. I didn't mean to imply that Massachusetts has a crime problem.

Mr. EARLY. I will tell you this, Mr. Carlson, and I say it publicly. You alleviated a serious problem in the Federal Prison System two years ago in Massachusetts when you took the bull by the horns and removed 48 prisoners from our maximum security prison.

Mr. CARLSON. That is correct.

Mr. EARLY. I don't know if you are aware of this, but a week later they discovered plans to assassinate the warden.

Mr. CARLSON. I know that.

Mr. EARLY. And he was a Democrat.
Mr. CARLSON. Did he go to Holy Cross?

CUBAN/HAITIAN DETAINEES

Mr. EARLY. No. If there ever was a real cooperative effort where the Feds helped a State, it was in that particular case. I admired that.

I am sure you could have been criticized for that action. You keep those 50 prisoners.

On institution security, the budget request is for 54 positions associated with housing the Cuban detainees in the Federal prison facilities. Your remarks indicated that that population has decreased from 1,800.

Mr. CARLSON. It stands at 1,100.

Mr. EARLY. How many positions do you have?

Mr. CARLSON. These are prisoners that were transferred from the Department of Health and Human Services. As you recall, they formerly had the responsibility for housing the Cubans at Ft. Chafee, Arkansas. There were a lot of problems at Ft. Chafee, and as a result, we were asked to assume the responsibility.

The money was transferred but not the positions. As a result, we are caught in a shortfall situation. We have the money to pay the people and we have had to use a lot of overtime in order to provide sufficient security at the institution. This will merely give us authorization for the positions, not the money, to rectify that situation.

Mr. EARLY. In your remarks, Mr. Carlson, you said that you had 68 positions but that you didn't need any funds. How are we doing that?

Mr. CARLSON. The money was transferred, as I indicated, from the Department of Health and Human Services, but not the positions.

In other words, they gave us dollars but not the related positions.

Mr. EARLY. Is this a reprogramming?

Mr. CARLSON. This would have been technically an appropriation transfer.

Mr. EARLY. So you have the money without the positions. Are those positions that you want to fill in 1983 or 1984?

Mr. CARLSON. This will be 1984 that we would be able to fill them.

Mr. EARLY. Does the money carry over?

Mr. CARLSON. Yes, it does.

PRISON OVERCROWDING

Mr. EARLY. Mr. Smith.

Mr. SMITH. I am sorry I missed part of the hearing. I don't want to cover anything you have already covered, so tell me if I do.

The Attorney General mentioned yesterday your institutions are 23 percent overcrowded. I notice you said your institutions are 24 percent overcrowded. Who determines the level that was used as a basis for saying these institutions are 24 percent overcrowded?

Mr. CARLSON. Mr. Smith, we develop that ourselves. This is the physical capacity of the institution. It is the capacity that was utilized when it was initially designed and constructed.

In other words, what we told the Congress we would have in terms of bed space. If we said 500, that is the figure we carry.

Mr. SMITH. How do you handle the extra 24 percent?

Mr. CARLSON. Double bunking, essentially putting two inmates in the cells or dormitories where only one was intended.

Mr. SMITH. I know it would be different in different prisons, but how large are these cells?

Mr. CARLSON. In new construction, the average cell is 70 square feet. In some of our existing institutions, it is as small as 45 square feet.

Mr. SMITH. For each cell?

Mr. CARLSON. For each cell.

Mr. SMITH. And you are putting two in one of those?

Mr. CARLSON. We are putting two in those. It is very crowded.

Mr. SMITH. 70 square feet would be 7 by 10. Does that include wash facilities, bath facilities?

Mr. CARLSON. Yes, there is a commode as well as a sink in that same cell.

Mr. SMITH. And a little bed?

Mr. CARLSON. A double bunk and a locker.

NEW PRISON COSTS

Mr. SMITH. I am sure Mr. Early covered this in some way or another, about the cost of these proposed prisons.

How much is the one in Phoenix? You have already gotten the money for that. How much do you anticipate that is going to cost?

Mr. CARLSON. That will be \$46,000 per bed for the Phoenix facility. I am sorry, \$44,000 per bed.

Mr. SMITH. That is bad enough, but that is quite a lot less than what we were told yesterday that some of these proposals are, \$68-80,000.

What is the difference between the Phoenix institution and the one in the Northeast, for example, or the one in L.A.?

Mr. CARLSON. Mr. Smith, the facility in the Northeast we are estimating will be \$62,000 per bed, and the Los Angeles jail will be \$72,000 per bed.

There are two factors. One is cost of construction. In a major urban area, such as Los Angeles, they are considerably higher than in Arizona. Beyond that, there is a cost escalation factor, because it will be at least four years before we can finalize the construction of those two institutions. But I want to assure you we do it as cheaply as we possibly can.

PROCESS OF PRISON CONSTRUCTION

Mr. SMITH. Why does it take four years to finalize construction?

Mr. CARLSON. By the time you go through the site acquisition process, develop the environmental impact statements, acquire the land, go through the architectural design, it is a minimum of four years before you can actually move an inmate into a new institution. It is a long time process.

Mr. SMITH. Have we any other institutions like the one in Phoenix?

Mr. CARLSON. That is the only one, the only other one currently under construction. We did, however, build a facility in Tucson, and opened it about a year ago, with a capacity of 210, I believe.

Mr. SMITH. Is it very similar to the one in Phoenix?

Mr. CARLSON. It will be similar in design to the one in Phoenix. Phoenix, however, will be larger.

Mr. SMITH. Have you had any experience with that particular floor plan and type and so forth to know whether or not that is really what you need?

Mr. CARLSON. Yes, we have. It is almost identical with the institution we built four years ago at Otisville, New York. We have essentially adapted the same design principle for the housing units from Otisville, New York, to Tucson and now to Phoenix.

Mr. SMITH. Then if you are pretty well locked in on that as being the appropriate type, why do you have to have architectural drawings and all that? Can't you take those? I don't see why it would take very much time to change the new site.

Mr. CARLSON. We certainly don't rediscover the wheel in every case. However, there are differences in the locations and the environmental conditions.

The climate, for example, is a big factor between Arizona and New York. The new institution at Phoenix will be sited in such a way as to have the least possible heat problem from the sun. They are going to site the buildings in such a way that they will not be any warmer than absolutely necessary, cutting down on the utilities.

COST PER SQUARE FOOT FOR PRISON CONSTRUCTION

Mr. SMITH. Do you have a per square foot figure on this?

Mr. CARLSON. Yes, I do. I can give you per square foot figures.

The per square foot cost at Phoenix is \$86. The one we are proposing for the northeast will be \$126 per square foot, and Los Angeles is \$182 per square foot.

Mr. SMITH. In Phoenix it was how much?

Mr. CARLSON. Phoenix is \$86 per square foot.

Mr. SMITH. What percentage is used for cells, for rooms?

Mr. CARLSON. What percentage of the total square footage is used for rooms?

Mr. SMITH. Yes.

Mr. CARLSON. I will have to provide that for the record.

Mr. SMITH. It is a small percentage, isn't it?

Mr. CARLSON. No, a substantial percentage. Actually, the majority of the total space would be utilized for inmate living space.

Mr. SMITH. 28,000 square feet for inmates. What is the total number of square feet?

Mr. CARLSON. The square footage total for Phoenix is 277,630.

Mr. SMITH. 28,000 is all you are using for rooms. That would only be 10 percent.

Mr. CARLSON. I would have to have the architects work this up. I frankly am not good at calculation of square footage, but I can assure you that the majority of the space is used for housing units.

There are other requirements—the food service, chapel, et cetera—but the majority of the buildings are housing units.

Mr. SMITH. You say you have 70 square feet. That times 400, if my mathematics is right, that is 28,000.

If you have 277,000 square feet total, that is only using 10 per cent.

Mr. CARLSON. That does not, of course, include the day rooms, the laundry facilities and the housing units.

[The following information was subsequently provided:]

PROPOSED SQUARE FOOTAGE FOR THE FEDERAL CORRECTIONAL INSTITUTION, PHOENIX, ARIZ.

The total square footage designed for the Federal Correctional Institution (FCI), Phoenix, Arizona is 277,630. This covers the total area required for the structures—inmate housing, program, services and operations space as well as nonprogram areas such as hallways, wall area, mechanical space, etc. The Federal Prison System recently determined to increase the number of beds in the design of the Phoenix FCI from 431 to 563, largely in response to high construction costs and increasing institutional overcrowding. The inmate living quarters comprise 156,284 square feet or 56.3 percent of the total area of the facility. Of this total living area, individual inmate rooms require 68,335 square feet or 24.6 of the total area of the facility. The following table summarizes the planned square footage for the facility:

SUMMARY OF SQUARE FOOTAGE BY CATEGORY/USAGE

	Square feet	Percent of total
Inmate housing (living units)	156,284	56.3
Inmate rooms (563)	(68,335)	(24.6)
Program and services area	(55,122)	(19.9)
Other gross area (circulation, mechanical, et cetera)	(32,827)	(11.8)
Inmate programs/services (outside living units)	62,776	22.6
Visiting	(3,946)	(1.4)
Education, vocational training, recreation, and multipurpose	(37,846)	(13.6)
Food preparation and dining	(12,002)	(4.3)
Commissary, barber shop, clothing issue, laundry	(4,481)	(1.6)
Outpatient medical	(4,501)	(1.6)
Institution operations—receiving/discharge, maintenance, warehouse, administrative office areas, and staff offices	58,570	21.1
Total, square footage	277,630	100.0

USE OF SURPLUS FACILITIES

Mr. SMITH. I understand, but it does sound like a very small percentage.

Anyway, as Mr. Early has indicated, there is just no way that this committee can look and project ourselves some years in the future and try to take care of the demand that I think is there. I don't think there is any question about it. We are going to have to have new prison facilities and a substantial amount of them, but we can't take care of them at these costs. I don't see how it can be done.

We've got to find some way to do it more cheaply. When you go down to the Floor of the House and start talking about spending \$80,000 per prisoner, and we can't spend \$30,000 per family in this

country for housing, we can't do it. We've got to do something different.

SURPLUS FACILITIES

Are you actively searching out now for some Army, Air Force or Navy facilities?

Mr. CARLSON. Yes, we are. As I indicated earlier, we are currently looking seriously at one closed Air Force facility. We are also looking at two closed colleges, one for which the buildings are owned by the U.S. Government. It was a college that was primarily funded by the Office of Education. It has now gone bankrupt and is closed.

The buildings are there. They contain the food service, the infirmary, school rooms and all the related ancillary functions which would be very readily adaptable to a prison.

Mr. SMITH. I know that a lot of mental institutions in this country are old and decrepit. The buildings are almost worthless, but they do have some infrastructure.

Mr. CARLSON. Yes.

Mr. SMITH. And all over the country they have been abandoned, with the new methods of handling the mentally ill. Some of them are state owned, of course. There must be some way to get at this a lot cheaper than what we have been talking about.

One more question while I am on it. That has to do with handling prisoners on airlines. What is your policy on that?

MOVEMENT OF PRISONERS

Mr. CARLSON. Mr. Smith, we primarily move inmates by Bureau of Prison security buses which we run on a regular basis throughout the country. We have 11 buses that are on the road on a daily basis.

In addition, every two weeks the U.S. Marshals Service and the Bureau of Prisons have a charter aircraft that flies from the west coast to the east coast. If we have an emergency situation where we have to move a federal prisoner by air, and there is a security risk involved—in other words, the inmate requires security—we will place two officers with that inmate on the airline. We tell the airline beforehand that we are transporting a prisoner, so that they are aware of the fact that there is a prisoner aboard.

Mr. SMITH. I happened to be in Memphis on January 21st. I had just gotten seated near the front of the coach section, and I heard what sounded like the airplane coming apart in the tail section. A prisoner had broken loose and ran into the stewardess, knocked her over the seat, knocked her out, and the marshal did an excellent job of pursuing him and got him outside the plane. He got him all right, but the people on that airplane were awfully upset.

He wasn't handcuffed. He was apparently with one marshal. It wasn't a very good situation. Don't you usually handcuff them?

Mr. CARLSON. Yes, we do. Ordinarily airlines permit us to handcuff. Generally we board first and exit last, and sit in the back seats.

Mr. SMITH. He had boarded first in the very back of the cabin, which would be the appropriate thing to do.

Mr. CARLSON. Was this a Federal prisoner, sir?

Mr. SMITH. I am almost positive it was. I don't think any states have marshals as good as that one was.

I just assumed it was a Federal prisoner, but I wish you would check into it.

Mr. CARLSON. I will check. I was not aware of the incident, but I want to assure you that—

Mr. SMITH. He was on the ball, unless he didn't have him handcuffed when he should have. That is a possibility. I wondered about that.

I heard people complain about seeing prisoners walk through the airport terminal handcuffed. Children shouldn't see it, they say. I don't see anything wrong with it at all. It is certainly better than having them unsafe. I don't know that that is so bad anyway, letting them see what happens to you if you are a prisoner.

Anyway, I wish you would check in to that.

You say your policy is to have them handcuffed and have them with two guards?

Mr. CARLSON. That is generally the airlines' policy as well. Most airlines require it.

Mr. SMITH. I would think they would. I tell you, some of those passengers were upset about it, and I would be glad to know if it wasn't a federal prisoner.

Mr. CARLSON. I will check.

Mr. EARLY. Pursuing that, Mr. Carlson, You are not still contracting services to move prisoners are you? The Justice Department was trying to save some money a couple of years ago, with Mr. O'Brien up in Massachusetts, through contracts. Was it Mr. O'Brien?

Mr. CARLSON. Yes, where we had an inmate in a local hospital.

Unfortunately, we have to in many instances depend on contract guard services, because we simply don't have the resources to provide 24-hour coverage when you hospitalize an inmate in a local hospital. What we try to do is transport such inmates to our Medical Center at Springfield, Missouri, immediately via ambulance. Sometimes there are instances where we simply have to keep them in a local hospital. In that particular case, it was just a bad guard service.

Mr. EARLY. The guard had no experience and the criminal was notorious. He ended up killing marshals, prisoners, police. Is he back?

Mr. CARLSON. He is back with us now, and I think he is at Springfield, Missouri, Mr. Chairman.

SURPLUS PROPERTIES AS PRISON FACILITIES

Mr. EARLY. On surplus property, on your three alternatives, on page 5 of your statement, you mention that the federal prison camps in Boron, California, and in Big Spring, Texas, were acquired as surplus properties.

What were these properties before they were acquired?

Mr. CARLSON. Mr. Chairman, the facility at Big Spring was a training center, which the Air Force used for pilot-training for a number of years, and then subsequently closed and deactivated. We are the only user of that facility.

The one at Boron, California, was an Air Force radar site, in the middle of the Mohave Desert. The facility provided barracks for the enlisted men, dining rooms, and all the related activities.

Mr. EARLY. How many beds would those two facilities be?

Mr. CARLSON. I can tell you precisely how many inmates we have in them.

Mr. EARLY. They house inmates?

Mr. CARLSON. Yes, the facility at Big Spring, Texas, has 429 inmates today. The camp at Boron, California, has 281.

I should also point out that we are going to add another 100-bed dormitory at Boron, which will increase capacity to 380.

Mr. EARLY. I like that.

I have a question for you about increasing those facilities, and increasing facilities where you have a little space. That Air Force base that you just spoke to Mr. Smith of, where is that?

Mr. CARLSON. Duluth, Minnesota.

Mr. EARLY. And what is the status of that? Is that unoccupied now?

Mr. CARLSON. It is, as we understand, totally deactivated. It has been declared surplus, and we are pursuing the possibility of acquiring the property.

As you know, it is an issue, because prisons are not popular in many communities. Inevitably, you develop community opposition, as we have in San Diego, but we are going to pursue it, and hope to be able to acquire the base.

Mr. EARLY. Is that totally unused now?

Mr. CARLSON. It is totally unused, as I understand it. I have not seen it personally, but as I understand it, the base is vacant at the present time.

INMATE LABOR

Mr. EARLY. Mr. Carlson, in your justification, there is new language that the \$97 million that you are requesting remain available until expended, "provided that labor of United States prisoners may be used for work performed on this appropriation."

Mr. CARLSON. No, that is language that we have had in for a number of years. That is a repeat of prior year appropriation language.

Mr. EARLY. It sounds like it would be so easy to implement. Do you use that labor?

Mr. CARLSON. We use inmate labor to the maximum extent possible. As I am sure you also know—

Mr. EARLY. Do you pay them?

Mr. CARLSON. We do pay them, but minimally. The average is approximately \$50 a month for inmates who work on construction projects, so it is minimal.

Mr. EARLY. Didn't you tell this committee years back that you were using inmate labor quite heavily in Danbury?

Mr. CARLSON. Yes. As a matter of fact, the new dormitory at Danbury was built largely with inmate labor. It is now open and fully occupied.

Mr. EARLY. I think at facilities especially like Duluth, if there is no one there, you could take many of your inmates and send them there. You could look at security and everything else.

Mr. CARLSON. Yes, sir.

CAMPS AND CTCS FOR NONVIOLENT OFFENDERS

Mr. EARLY. The Attorney General recently made the statement that the only practical way to solve the national problem of prison overcrowding "is to reduce the length of prison sentences for a non-violent prisoner."

It would seem that his statement would be especially pertinent to the Federal Prison System which has a significant number of white collar criminals and other nonviolent offenders. You expressed your opinion that they should serve their sentences.

In view of the Attorney General's statement, wouldn't it be less costly to build additional camps at existing institutions, and to expand the community treatment center programs?

Mr. CARLSON. Mr. Chairman, it would be less costly, and we are doing just that.

Mr. EARLY. Yes. You just said that you did that.

Mr. CARLSON. We are also building new camps outside of existing institutions.

The most recent is one at Petersburg, Virginia, where we are going to build a 150-inmate camp outside the main institution.

POSSIBLE ACQUISITION OF TWO COLLEGES

Mr. EARLY. How about those two colleges you spoke of in Vermont and Oregon, I think. How many beds are in these facilities?

Mr. CARLSON. 500 each.

Mr. EARLY. To ease the problem, wouldn't they be more easily established as community centers? Would we be able to move prisoners in Allenwood to one of those colleges, and make more secure Allenwood?

Mr. CARLSON. Mr. Chairman, I think there may be rather substantial community opposition. Both are located in small towns. If we talked about 500 federal inmates having access to the local community—

Mr. EARLY. There is going to be community opposition no matter what we do, Mr. Carlson.

Mr. CARLSON. Right.

Mr. EARLY. We've got a problem, so we try to cut our losses. You could even put our elderly prisoners over 60, the 3,000 that you have got over 60 there. Residents would still object, but I don't know they would object as strongly.

Mr. CARLSON. I am afraid there would be considerable objection if we talked Putney, Vermont, a community with 7,000 residents, about 500 prisoners having access to the community unsupervised.

We are talking about a minimum security institution where the inmates are confined, even though there is no fence. They know that they cannot leave the grounds.

Mr. EARLY. That wouldn't be as great a problem to the community, would it?

Mr. CARLSON. That is correct. The community would be more willing to accept that than if they felt the inmates could come and go unsupervised.

Mr. EARLY. I don't think it would be like a halfway house. We don't let them go unsupervised?

Mr. CARLSON. No, not at our minimum security camps. We do provide furloughs from time to time, but they go back to their home communities. They don't stay in the local community.

CONSTRUCTION COSTS FOR NEW FACILITIES

Mr. EARLY. With respect to the \$30,650,000 for construction of a 500-bed federal correctional institution in the northeast. You have not picked the site yet.

Mr. CARLSON. No, we have not selected a site, but we do plan to explore the possibilities of an existing Army base because it is difficult to find land in the northeast region.

We are optimistic that we will be able to find existing military land for that purpose.

Mr. EARLY. Have you done any analyses as far as having five 100-bed community treatment centers compared to one brand new center for 500?

Mr. CARLSON. Yes, and the 500 is cheaper than to build five separate 100-bed facilities. There is an economic advantage to a larger institution rather than smaller facilities.

Mr. EARLY. Why don't you expand for the record on the studies you have.

Mr. CARLSON. I will be happy to.
[The information follows:]

COST FACTORS. FIVE 100-BED FACILITIES VERSUS ONE 500-BED FACILITY

There are several factors which result in significantly higher costs for five 100-bed facilities versus one 500-bed facility. Initially, there is the cost of acquiring one parcel of land versus five. If the land can be acquired at no cost, obviously this is no factor. However, the same program, service and support areas must be built for the 100-bed facilities as the 500-bed facility. Such areas include dayroom, multi-purpose, food service, recreation, laundry, and utilities areas. In addition, there are significant savings in operational costs of the larger facility via economics of scale. Unit costs per offender for food for clothing, for example, would be less expensive at the 500-bed facility. Depending on the structural configuration, there could also be significant savings in staff costs for a 500-bed facility versus five 100-bed facilities.

REDUCTION OF NEW FACILITIES COSTS

Mr. EARLY. How have you tried to hold down the cost of these new facilities?

Mr. CARLSON. Mr. Chairman, first of all, we try to find existing federal land on which to build the institutions.

Over 50 percent of all federal institutions that we have today were built on surplus land which cost the Federal Government nothing. Primarily it is military land. We plan to do the same in the case of these new institutions.

In addition, we attempt in every way possible to site adapt existing architectural designs, as Mr. Smith indicated, rather than re-discover the wheel and redesign the entire institution.

I want to just amplify, if I may, Mr. Chairman. New institution construction is tremendously costly. There is no question about it. I don't like those cost figures any better than you, but let me assure you that those cost figures are comparable to what the States are paying today.

I hate to single out Massachusetts again, but unfortunately, it is the top of my list. In Bridgewater they are building a new institution, 400 beds, to be completed in 1985, and the cost per bed is \$78,000.

Mr. EARLY. That is a hospital, though.

Mr. CARLSON. It is going to be a security hospital. It is a prison hospital.

New York City is building a new jail. The cost is \$94,000 per bed. Stillwater, Minnesota, a new institution that opened two years ago, cost \$77,000 per bed.

I want to assure this committee that our cost figures are certainly not exorbitant in comparison with what the States are expending for similar construction.

SURPLUS FACILITIES

Mr. EARLY. On page 5 of your statement, you mentioned two additional properties that you are looking at as potential prison facilities. One of them is that Duluth facility?

Mr. CARLSON. One is Putney, Vermont, the former Windham College. These are colleges that are now closed, the one in Vermont and the one in Oregon.

Mr. EARLY. Would a model situation be to take one of those schools? Those are schools that have operated for 100 years, and when we buy it, it is unsafe.

Mr. CARLSON. Putney has been in operation for less than 10 years, as I recall. It is a new institution that has been closed now for two years. It is modern and it meets the fire codes. There is little renovation that would be required at the facility.

The college in Oregon is slightly older, but it has been used until recently as a college, and from my understanding, the buildings are in quite good repair.

Mr. EARLY. Do you, and the Administration, support the concept of giving surplus federal land to States?

Mr. CARLSON. Yes, we certainly do.

Mr. EARLY. I agree with that too, Mr. Carlson. This committee was very involved with transferring Ft. Dix. We gave it back to the State, and now we need facilities up there.

I think they are operating at 100 percent capacity now as a State prison.

Mr. CARLSON. The State prisons are in many instances more overcrowded than Federal prisons are. Virtually every State in the country is operating well above its capacity.

Mr. EARLY. Do you know of any other security prisons in defense that are similar to the Ft. Dix situation?

Mr. CARLSON. The only facilities the military now operates are at Pendleton, California, a Marine Corps brig, and at Ft. Leaven-

worth, Kansas, the Army's disciplinary barracks. Both of those institutions are operating above capacity.

Mr. EARLY. Mr. Smith, do you have any other questions?

Mr. SMITH. You mean they are only operating two prisons?

Mr. CARLSON. Two major prisons, that's right, sir.

Mr. SMITH. The others are just local briggs?

Mr. CARLSON. Local briggs, very small generally.

The one at Quantico Marine Corps Base, for example, has a capacity of probably 30 or 40.

NATIONAL INSTITUTE OF CORRECTIONS

Mr. EARLY. Mr. Carlson, on the National Institute of Corrections, we will put most of the remaining questions in the record, but we note that your 1984 request for the National Institute of Corrections is for \$11,655,000. It would basically provide for the same services; as the level that were provided in the year 1983.

How does the National Institute of Corrections evaluate the effectiveness of its programs for State and local agencies that it is designed to help?

Mr. CARLSON. There are a variety of feedback mechanisms which NIC does utilize. They are evaluated like other government agencies as to the effectiveness of the programs.

Most of their money, however, goes into training. That is the largest single component of NIC's activity. In that regard, we do have evaluations completed by every trainee that goes through the program, as to their impression or evaluation of the training.

I can say without hesitation that the feedback I get from my State and local counterparts across the country is uniformly positive toward the type that NIC has provided.

Mr. EARLY. Do you have a backlog?

Mr. CARLSON. Yes, we do.

Mr. EARLY. Would you provide a summary of your evaluation efforts for the record?

Mr. CARLSON. Yes, I will be happy to.

[The information follows:]

EVALUATIONS OF NIC

We are providing a copy of the executive summary of "An Evaluation of the National Institute of Corrections Program in the Bureau of Prisons" prepared by the Department of Justice Evaluation Staff in November, 1982. The entire study, which is quite lengthy, has been submitted to this committee.

EXECUTIVE SUMMARY

The evaluation of the National Institute of Corrections (NIC) was conducted by the Evaluation Staff of the Justice Management Division in response to a request by the Senate Judiciary Committee contained in the Senate Report to S.951, concerning the FY 1982 Authorization of the Department of Justice. In addition to determining the effectiveness of NIC, the Department was also requested to review the organizational placement of the Institute.

The attached report represents a comprehensive documentation of NIC's management processes and program strategies. The report documents:

- the historical development of NIC;
- the current organizational structure;
- the Institute's mission and objectives;
- the scope of the Institute's activities;
- the operating procedures and processes of the Institute; and
- the performance standards of the Institute.

NIC is legislatively mandated to train correctional practitioners, provide technical assistance to State and local correctional agencies, provide an information clearinghouse for corrections, conduct research and evaluation projects, and assist State and local corrections in policy development.

NIC was formally created in 1974 by Public Law 93-415 in recognition of a need to place a Federal emphasis on corrections. The legislation called for the establishment of a 16-member Advisory Board to determine overall policy and program focus. The Institute was placed in the Department of Justice and has been administratively attached to the Federal Prison System since 1974. NIC currently has a staff of 30 and an annual budget of \$11.2 million.

Organization Structure

NIC is structured as a matrix in which four program divisions are integrated with four functional areas (training, technical assistance, clearinghouse, and research). The program divisions are: jails, prisons; community corrections, and the National Academy of Corrections. The functional areas which represent service delivery mechanisms are used in each of the four program areas.

Evaluation of Training

The National Academy of Corrections provided training for approximately 2,400 corrections personnel in four course categories during FY 1982. These categories are:

Generic Management Training, which is designed to develop and enhance the management and administrative skills of correctional administrators in all elements of corrections.

Executive Seminars, which are designed to provide an opportunity for correctional administrators to explore and analyze key issues that are considered critical to effective management in corrections.

Specific Skill Training, which is designed to develop and enhance the skill levels of corrections personnel who have responsibility for performing tasks which require the specific skills being taught.

Technology Transfer, which is designed to transfer a specific curriculum and the techniques required to teach the curriculum to State and local correctional agencies.

For the purposes of this evaluation, it was assumed that if appropriate people are trained, then information learned and skills developed will "trickle down" through the agency and will ultimately improve the effectiveness, efficiency, and economy of the correctional system, agency, or facility. Although NIC cannot ensure that training information will "trickle down" through the organization, NIC can ensure that individuals who are most likely to have an impact on an organization attend NIC courses. Therefore, the evaluation of NIC training focused upon the position each student holds within their respective organization, the type of agency represented (e.g., probation, institution, community treatment center, etc.), the geographic area from which participants are drawn, and whether or not NIC provides training in the areas of greatest need.

NIC's training activities were measured against 14 performance standards. It was found that NIC's training has the potential for significant impact on State and local corrections. In essence, NIC facilitates a positive impact on corrections by providing needed training to individuals who have potential impact from appropriate geographic regions around the country.

Evaluation of Technical Assistance

NIC employs two methods to provide technical assistance (TA) to State and local correctional agencies. The first method is called short-term TA in which individual assistance is provided directly to correctional practitioners either by NIC personnel or through the use of consultants paid by NIC. The second method is through the award of TA grants to agencies requesting assistance. The grants enable the agency to procure the needed technical expertise from a third party.

During FY 1981, 52 percent of all short-term TA was provided to local jails and 14 percent to State facilities (prisons). Typically, a request for short-term TA concerns itself with the need to develop a strategy to solve a specific problem.

TA grant requests are generated from correctional agencies which are aware of a need for change in their policies, procedures, and operations and have already developed a strategy through which the changes can be accomplished. The purpose for the grant is to fund the implementation of the strategy.

NIC carries out its research mandate through the grant process. During FY 1981, NIC awarded 41 grants totalling \$2,007,004. NIC provides research funding for general research which is directed toward solutions to problems of immediate concern to the general field of corrections and for agency-specific research which focuses on the immediate concern of an individual agency.

The resources dedicated to research grants for FY 1981 focused primarily on general research in that 68 percent of the \$2 million was used for this purpose. The two largest general research grants were \$152,825 awarded to the Criminal Justice Research Center to develop guidelines for bail and pre-trial custody and \$149,970 awarded to Rand Corporation to study criminal justice processing of minorities.

The evaluation of NIC's impact for general research is difficult because it is not always possible to discern what part the research plays in the changing of national or local practices or policies. Moreover, the impact of research may not be apparent until several years after completion of the project. Thus, the assessment of general research focuses on its potential to have impact. The potential of general research having impact on corrections lies in the fact that it must have utility and that the findings must be disseminated. Agency-specific research can be evaluated more easily because the project is designed to meet specific agency needs. Agency officials were able to make determinations as to improvements which were a direct result of the research being conducted.

NIC research was measured against six performance standards. It was found that both general research in terms of its utility and dissemination and agency-specific research in terms of its use to promote agency change had significant impact.

Organizational Placement of NIC

The review of organizational placement of NIC was restricted to organizational configurations within the Department of Justice, in that the Department has consistently played a leadership role in assuring the professional operations and administration of executive branch responsibilities in corrections.

Three organizational placement options were reviewed in terms of pragmatic strengths and weaknesses. These options were: (1) leave NIC within the Bureau of Prisons; (2) make NIC a separate entity within the Department (an office, board or division); and (3) make NIC an organizational unit within the Office of Justice Assistance, Research, and Statistics.

It was the general consensus of those who reviewed the options that because NIC is currently operating effectively, as shown by the impact assessment in this report, and because no compelling reasons exist for a shift in organizational placement, it is recommended that NIC continue its existing placement within the Bureau of Prisons.

Conclusions

The results of this evaluation demonstrate that NIC has the potential for significant impact on State and local corrections through its training, clearinghouse operations, and general research activities. Moreover, NIC's technical assistance and agency-specific research activities have significant impact upon those agencies served.

During FY 1981, approximately \$870,000 was allocated to respond to nearly 700 requests for short-term TA, and \$1.5 million was allocated to provide 56 TA grants. These grants varied in size from \$3,988 to \$10,000.

NIC's TA activities (both short-term and grants) were measured against six performance standards. It was found that NIC had significant impact upon those agencies that were provided TA. In nearly every instance of TA, either change occurred to improve policies, procedures, and operations or negative change was prevented.

Evaluation of Clearinghouse

NIC's correctional clearinghouse operations are under contract with Library Information Specialists, Inc., of Boulder, Colorado. The mission of the Information Center is to assist in improving correctional policies, practices, standards, and procedures by serving as an identifiable and responsive resource to requests for information regarding prisons, jails, probation, parole, and community-based corrections. The Information Center strives to acquire and disseminate practical, useful, operationally oriented materials and documents dealing with the most current issues, and innovations in the field of corrections. In this regard, nearly 40 percent of the Information Center's 5,200 cataloged materials are unpublished documents (e.g., policy and procedures manuals, training materials, NIC research products, etc.).

NIC's contract with Library Information Specialist, Inc., for calendar year 1982 amounts to \$425,666. During this period, the Information Center will have responded to approximately 3,200 requests for information. During FY 1981, 68 percent of all requests were generated from correctional agencies; the remainder were generated from State legislatures, law enforcement agencies, news media, State and local judiciary, etc.

It is difficult to determine a cause and effect relationship between providing information for someone's use and improvement in policies, procedures, and operations of a correctional agency; therefore, only the potential impact of the Information Center was measured. The underlying assumption for this assessment focused on satisfaction of the recipients of services. If users are not satisfied, that is, if information sent did not meet their needs or was not timely or was not useful, then the Information Center would lose its constituency and likewise would reduce the likelihood of positive impact.

The Information Center function was measured against seven performance standards. It was determined that this function had the potential for above-average impact in terms of its broad-based constituency and the satisfaction of its clients.

Evaluation of Research

NIC strives to sponsor applied research concerning correctional problem areas. The research products are disseminated to correctional agencies to facilitate better decisionmaking.

Mr. EARLY. With that, we conclude this hearing. We certainly appreciate your comments which show you recognize the problem.

We appreciate what Mr. Smith said. We must continue to make changes.

Mr. CARLSON. It is an expensive part of the criminal justice process.

Mr. EARLY. We have some additional questions which we shall submit to you and ask you to answer for the record.

[The questions referred to and the answers follow:]

QUESTIONS SUBMITTED BY MR. SMITH

FEDERAL PRISON SYSTEM

Salaries and Expenses

Increases in Inmate Population

QUESTION:

The fiscal year 1984 budget request includes a total increase of \$1,379,000 associated with a projected growth of 1,000 in the inmate population. How was this increase in the average daily population from 29,000 to 30,000 calculated?

ANSWER:

A variety of statistical techniques were used to obtain this projection. A copy of our report, Federal Inmate Population Projections 1983-1987, provides a complete discussion of the methodology used. A copy of the report will be separately furnished to the Committee.

Institution Security

QUESTION:

How did you determine that it was necessary to request authority for 68 additional positions to care for the Cuban detainees?

ANSWER:

As you recall, the 1981 budget included reductions of \$2.5 million and 142 positions based on the planned closing of the U.S. Penitentiary in Atlanta, Georgia. Following the illegal immigration of a large number of Cuban aliens and the subsequent dramatic increase in inmate population throughout the Federal Prison System, it became necessary to abandon plans to close the Atlanta Penitentiary. The Subcommittee agreed with the proposal that Atlanta should remain open and be converted to a modern correctional facility. To keep Atlanta open required the reprogramming of positions and funds from other institutions. Because of the continued growth in inmate population, we cannot continue to absorb the entire cutback in positions. We require 68 positions without funding to offset the deficit in authorized staffing.

Contract Community Treatment Centers

QUESTION:

The budget request for fiscal year 1984 also includes an increase of \$6,096,000 to provide community residential program bed space for all eligible detainees. The justifications indicate that this request would fund an average daily population of 2,295 as compared to 1,800 in 1983. Since the Federal Prison System is overcrowded,

what steps have been taken to ensure that all eligible inmates are transferred to Community Treatment Centers?

ANSWER:

Since January 1982, the Federal Prison System has increased the number of inmates confined in Contract Community Treatment Centers (CTC) from 948 to approximately 1,980 today. Our community programs managers are closely monitoring CTC placements to ensure maximum utilization of CTC bed space within funds available. Approval of the 1984 budget request will provide the resources necessary to place all eligible inmates in Community Treatment Centers.

QUESTION:

What is the current percentage of inmates referred to Community Treatment Centers and what is the average length of stay before release?

ANSWER:

Currently the Federal Prison System is providing community residential programs to 75 percent of all FPS releases deemed eligible and appropriate for release to a CTC for an average length of stay of 95 days.

QUESTION:

The Bureau of Prisons closed its federally operated Community Treatment Center in 1981. In view of the overcrowding in federal prisons, has any thought been given to reopening a federal facility?

ANSWER:

At the present time, there is adequate Contract Community Treatment Center bed space to ensure that all eligible federal inmates can be released to a Community Treatment Center program.

QUESTION:

If this budget request to expand the Contract Community Treatment Centers program is approved, will the Bureau of Prisons have sufficient resources to ensure that all eligible inmates can be housed in CTCs?

ANSWER:

Yes.

Staff Training

QUESTION:

What impact are escalating travel costs having on the Bureau of Prisons Correctional Training Program for first-year employees?

ANSWER:

Travel costs have escalated at an annual rate of 10 percent to 15 percent during the last five or six years. During the last year or two the rate of increase seems to have slowed somewhat.

The Federal Prison System gives first priority to the training of its first-year employees and continues to train them all. Between 1,000 and 1,200 new employees each year are trained for three weeks at the Federal Law Enforcement Training Center in Glynco, Georgia. They also receive 80 hours of familiarization training in their institutions before training at Glynco. Increased travel costs have not resulted in any decrease in training for first-year employees.

During the last several years, we have decreased the number of experienced employees who travel to the training centers to be trained in the Advanced Correctional Techniques course because of travel costs and limited training time. All these employees receive 40 hours of training each year in their institutions.

Self-Defense Training

QUESTION:

I understand that the Bureau of Prisons is spending about \$1,000,000 to provide self-defense training to Bureau employees. The type of training selected is based on a Japanese martial art known as Aikido. Is the amount of this training that is offered to employees sufficient to enable them to become proficient in this self-defense system?

ANSWER:

The Bureau spends approximately \$1,000,000 for travel, lodging and other student costs for three weeks of introductory correctional training for 1,000 to 1,200 new employees each year at the Glynco Federal Law Enforcement Training Center. Included in this initial training are 18 hours of self-defense training.

In addition to the initial self-defense training, the Bureau has been providing four hours of self-defense refresher each year for each employee working in an institution.

QUESTION:

Has the Bureau made any evaluation of the effectiveness of this self-defense program since it was implemented?

ANSWER:

The Bureau recently completed an evaluation of the effectiveness of its self-defense training and has decided to strengthen the program. Employees will be required to demonstrate their proficiency every three months in the use of the most important holds. Additional training will be provided as needed.

Firearms Training

QUESTION:

I understand that the Bureau of Prisons provides firearms training on three different types of weapons to nearly all of its employees. What is the total annual cost of this training?

ANSWER:

The total annual cost of firearms training is difficult to determine because it is given as only one part of the introductory training for new employees at Glynco and also as a part of annual correctional training in the institutions. The amounts may be figured as a proportion of the total course costs as follows:

In 1982, the Bureau spent \$738,000 to train almost 1,000 new employees at the Glynco Training Center. Of the 110 hours of training provided, 18 hours were devoted to firearms training. On a proportional basis, the total cost for firearms training would be \$120,764. In 1983, the budgeted amount to train 1,200 new employees at Glynco is \$1,032,000. On a proportional basis, the total cost for firearms training would be \$168,858.

QUESTION:

Why do you provide firearms training to most of your administrative and support personnel since most of them do not serve in armed posts even during unusual circumstances such as manpower shortages or escape hunts?

ANSWER:

While it is true that most administrative and support personnel do not serve in armed posts, some frequently serve in such posts during emergencies. It is not possible to know in advance which ones will be needed for such duty. In fact, a recent GAO report, which surveyed 41 institutions, revealed that 22 of those institutions (54 percent) had used administrative/support staff (521 individuals) to staff armed posts between the period of October 1979 through June 1981. To arbitrarily exclude such personnel might endanger them or others and would certainly decrease their usefulness in dangerous situations. Within a correctional environment, every employee, regardless of occupation, is considered to be a correctional worker.

QUESTION:

Why do you provide firearms training to your medical department employees such as doctors and nurses and paramedics?

ANSWER:

Firearms training is optional for chaplains, dentists and physicians. The arguments for including other medical department employees are the same as those above for administrative and support personnel.

Transportation of Prisoners

QUESTION:

I understand that during 1982 approximately 47,000 moves of prisoners were made. What was the total cost of these moves and what is the projected cost of moving prisoners for FY 1984?

ANSWER:

During 1982, the Federal Prison System (FPS) spent \$2,400,000 on prisoner transportation. It should be noted that only 50 percent of the moves reported were funded by FPS. The remaining 50 percent were funded by the U.S. Marshals Service. For 1984, FPS projects the cost of moving prisoners to be \$2,900,000.

QUESTION:

What steps have you instituted to try to control and reduce these expenditures?

ANSWER:

The FPS attempts to control and reduce expenditures associated with the transportation of prisoners by closely monitoring all prisoner movement to ensure that only necessary moves are made. Examples of necessary moves include moves to reduce overcrowding, to transport prisoners to and from court or to transfer prisoners for medical or security reasons. In addition, FPS reduces these expenditures by allowing eligible inmates to transfer (furlough transfer) to federal prison camps via the cheapest available form of public transportation. During 1982, approximately 14,000 prisoners were transferred using this method.

Workers Compensation

QUESTION:

The justifications indicate an increase of approximately \$1,340,000 over the current base figure for employee accident compensation. What is the base figure?

ANSWER:

The base figure for the Federal Employees' Compensation in 1983 is \$3,497,000 for the total Federal Prison System.

QUESTION:

How many employees are now receiving compensation because of accidents?

ANSWER:

As of September 30, 1982, there were 197 employees receiving disability compensation.

Housing District of Columbia Prisoners

QUESTION:

I understand that there are about 1,400 District of Columbia prisoners housed in the Federal Prison System. Does the District of Columbia reimburse the Federal Prison System for the full cost of housing such prisoners and, if not, why not?

ANSWER:

The District of Columbia does reimburse the Federal Prison System for the full cost of housing their prisoners.

QUESTION:

What is the impact of housing these prisoners on the Federal Prison System?

ANSWER:

The major impact of housing District of Columbia inmates in the Federal Prison System is overcrowding. The 1,400 District of Columbia inmates represent approximately 5 percent of the total inmate population in the Federal Prison System, a percentage disproportionate to other individual sentencing districts.

QUESTION:

Is there any practical way to reduce the number of District of Columbia inmates that are housed in the Federal Prison System?

ANSWER:

All District of Columbia inmates are referred from the sentencing judge for specific reasons such as need for separation from certain inmates housed in the District of Columbia, drug treatment, psychiatric treatment and other similar management or treatment needs. Those referred for separation purposes could most likely not be housed in the District of Columbia safely. The others, however, could remain in the District provided the housing and needed treatment programs were available.

Federal Youth Corrections Act

QUESTION:

I understand that you advocate repeal of the Federal Youth Corrections Act. Can you tell us why?

ANSWER:

In our opinion, the Youth Corrections Act (YCA), especially as it is now being construed and implemented, is outmoded and in many instances actually detrimental to offenders committed under its provisions. When it was enacted in 1950, its purpose was a noble one of providing specialized treatment for youthful offenders,

which would result in their rehabilitation. Our experience with the statute over the years clearly indicates that it promises more than it can deliver. Neither the Federal Prison System (FPS) nor anyone else can accurately diagnose the causes of criminality and provide programs that will assure the correction of behavior. Also, it is unrealistic to tie parole-release decisions to successful treatment or optimum rehabilitation, which this statute tries to do.

In complying with the decision in Watts v. Hadden, 651 F.2d 1354 (10th Cir. 1981) and other similar cases, the FPS now separates YCA offenders from all other inmates. In order to accomplish this, three facilities have been set aside for offenders sentenced under the Youth Corrections Act. The result is that many offenders sentenced under the Act must be housed in institutions hundreds, even thousands, of miles from their families. Also, it is well known that young offenders are more aggressive and assaultive than older offenders, so the result of putting all youths together is that the most aggressive and assaultive offenders are concentrated in a single facility. A far more sound classification would allow for more age heterogeneity. Also, we are unable to place young offenders in minimum security camps for which they would otherwise qualify except for the YCA restriction.

Repeal of the Youth Corrections Act will leave in place a variety of sentencing options for use by the courts. Also remaining will be a broad range of programs now in existence in the FPS, which will be available both to the young and the more mature prisoners.

We are aware that institutional and community-based treatment programs are effective, and that some offenders can undergo a positive change as a result of that treatment experience. We believe, however, that it is a mistake to use age as the sole criterion for determining which offenders are provided opportunities for such programs.

There remains a concern about the so-called "expungement" provisions of 18 U.S.C. 5021. We agree that certain offenders should have an opportunity to clear their records. We would have no objection to a provision that would provide for a certificate setting aside convictions of a first offender without regard to age who successfully completes a period of supervision.

QUESTION:

What would be the annual savings, if any, to the Federal Prison System if this Act were repealed?

ANSWER:

No substantial savings will be realized, as most of the costs related to operating the YCA facilities are fixed. There will be a slight reduction in the programs provided and a reduction in the number of inmates transferred over long distances to current YCA facilities. The primary benefit derived will be the improvement in the Federal Prison System's capability to assign all inmates closer to home and maximize the use of existing facilities. For example, the Petersburg and Englewood YCA institutions are not overcrowded while other FPS facilities are overcrowded. Overcrowding in other facilities could be lessened if non-YCA offenders

could be assigned to Petersburg and Englewood, which the current law prohibits.

QUESTION:

On page 19 of the budget justifications you mention that you are considering proposing a change to the federal law, which establishes the maximum age of juvenile commitments at 18 years. What are the issues involved in such a proposal?

ANSWER:

The Federal Prison System (FPS) has great difficulty in placing juveniles over 18 years of age because of the statutory and judicial requirement of separation from adults. FPS has no juvenile facilities of its own and must rely on state, local or private facilities. However, whether by law or practice, most states do not have facilities for juveniles past the age of 18. Thus, this modification would bring federal law into conformity with the law or practice in most states, and would greatly facilitate the placement of federal juveniles in facilities close to their homes.

QUESTION:

If such a change were to be enacted into law what would be the annual savings to the Bureau of Prisons?

ANSWER:

The annual savings would be approximately \$1,000,000.

Buildings and Facilities

New Constructions Projects

QUESTION:

The FY 1984 budget request for Buildings and Facilities includes an increase of \$70,650,000 to construct a 500-bed Metropolitan Correctional Center in Los Angeles and one other 500-bed Federal Correctional Institution for which planning and site acquisition funds are also requested. Although you indicate that your total inmate population is now increasing, just two years ago the inmate population was falling. In view of these fluctuations, how can you be sure that once these new facilities are constructed, that they will be needed in the future?

ANSWER:

Since the inception of the Bureau of Prisons in 1930, the inmate population trend has shown a steady two percent a year increase. While the inmate population level has fluctuated above and below the overall trend, the trends have been upward at two percent a year for the last 50 years. Our projection is consistent with this trend, as the projection for 1987 of 31,300 is only a two percent annual increase over the 1982 base year.

QUESTION:

What is the average cost per inmate of the Los Angeles and the second facility for which you are requesting construction funds?

ANSWER:

The estimated average cost per bed of the Los Angeles Metropolitan Correctional Center and the Northeast Level 4 Federal Correctional Institution is \$72,727 and \$61,909, respectively.

QUESTION:

How does the cost of these facilities on a per prisoner basis compare with comparable facilities that the Bureau built ten years ago and five years ago?

ANSWER:

	Institu- tion	Funded FY S&P Constr.	Actual Construction Cost	Actual Cost Per Bed	Per Bed Cost Relocated & Escalated to Equal 1984 Request
MCC	New York	66 - 71	\$14,830,000	\$33,025	\$87,221
	Chicago	71 - 72	10,220,000	26,475	86,741
	San Diego	72 - 73	14,459,000	28,750	91,408
FCC	Pleasanton	71 - 72	6,623,000	26,825	72,062
	Miami	73 - 74	8,700,000	35,650	84,119
	Memphis	73 - 75	11,040,000	24,325	61,325
	Talladega	73 - 77	13,480,000	25,050	59,546
	Bastrop	73 - 75	12,851,000	24,453	59,636
	Otisville	75 - 77	23,200,000	46,850	80,956
	Ray Brook	77 - 77	20,500,000	38,100	56,917

QUESTION:

With respect to the \$30,650,000 for construction of a 500-bed Federal Correctional Institution, I understand that you do not yet have a site for such a facility. How can you accurately estimate the cost of a facility if you have not yet acquired the site?

ANSWER:

The Bureau does not have the authority or funding to acquire a site for this facility. However, based on the cost of recently built institutions adjusted by published construction cost indices and escalation rates, we are able to estimate the cost to construct facilities. Certainly actual site costs and the state of the construction industry at the time of construction will affect the actual cost of the facility.

QUESTION:

Could you forego the construction of the Los Angeles facility and the additional 500-bed institution if you acquire these excess facilities? If not, why not?

ANSWER:

The excess school and college facilities that the Bureau is presently considering for use as correctional facilities lend themselves quite well for conversion to minimum security institutions. Construction, location and arrangement of these facilities precludes their conversion to secure institutions.

However, even if these facilities are acquired, the need for higher security beds in the Northeast and detention beds in Los Angeles will still exist.

Planning and Site Acquisition

QUESTION:

The FY 1984 budget request for Buildings and Facilities also includes an increase of \$6.8 million for planning and site acquisition of two 500-bed Federal Correctional Institutions in the Northeast region. One of these facilities we have already discussed. Can you tell us why you need to acquire the site and begin the plans for an additional federal prison in the Northeast beyond the one that you are planning to construct in FY 1984?

ANSWER:

The Northeast region has more inmates assigned outside of the region than any other region. If all existing Northeast inmates were placed in the Northeast and all presently funded construction projects for the Northeast were completed the Northeast region would still be 87 percent overcrowded.

QUESTION:

Do you have a specific site chosen for this additional institution and when would you request construction funds for this facility?

ANSWER:

A specific site in the Northeast has not been identified for this Level 2/3 Federal Correctional Institution. If the \$3,400,000 for planning and site acquisition is approved, construction funds will be requested in 1985.

Modernization and Repair

QUESTION:

The FY 1984 budget also includes an increase of \$12,574,000 for 11 modernization and repair projects at nine institutions and continuation of the conversion of the U.S. Penitentiary at Leavenworth, Kansas. How much is for the project at Leavenworth and if these funds are provided will this project be completed in FY 1984?

ANSWER:

The 1984 budget includes \$8,439,000 to continue the conversion of the U.S. Penitentiary at Leavenworth, Kansas.

Originally, we planned to use inmate labor to accomplish the major portion of this project to provide jobs and training for inmates and to reduce costs. With overcrowding becoming an ever-increasing problem, this project must be accelerated to free up additional beds. Therefore, we plan to contract for most of the remaining work.

The decision to contract the work, coupled with the requirement to fund three remaining items in the conversion plan, will require additional funding of \$3,706,000.

QUESTION:

The jobs bill as passed by the House includes \$60,000,000 for repair and renovation projects for federal prison facilities. The funds in this bill are intended in part to speed up modernization and repair projects included in the FY 1984 budget. If this provision in the House-passed bill is enacted into law, can we eliminate the funds requested for modernization and repair in the FY 1984 budget request?

ANSWER:

No. The \$60,000,000 House-passed bill would include the \$12,574,000 program increase requested for modernization and repair, but it would not include the base request of \$7,118,000.

QUESTION:

Please list for the record the 11 modernization and repair projects at the nine institutions and the purpose of each and the cost of each.

ANSWER:

<u>Institution</u>	<u>Project</u>	<u>Cost</u>
Eglin	Construct Inmate Service Building	\$800,000
El Reno	Renovate 2 Dormitories	600,000
Lompoc	Construct Receiving Warehouse	300,000
"	Replace 3 Boilers	295,000
"	Replace Locking System	275,000
La Tuna	Improve Perimeter Security	420,000
Texarkana	Improve Perimeter Security	350,000
Bastrop	Install Water Storage Facilities	375,000
Otisville	Expand Sewage Treatment Capacity	480,000
Englewood	Renovate Segregation Unit	120,000
Terre Haute	Improve Perimeter Security	120,000
Total.....		4,135,000

National Institute of Corrections

QUESTION:

Could you provide a summary of your evaluation efforts for the record at this point?

ANSWER:

Enclosed for the record is the executive summary of an evaluation of National Institute of Corrections program dated November 1982. The entire report, which is quite lengthy, has been provided to the committee.

QUESTIONS SUBMITTED BY MR. EARLY

QUESTION:

You explain on page 1 of your statement, Mr. Carlson, that the increase in prison population is due to expanded law enforcement efforts. Is this increase also due to more incidents of crime?

ANSWER:

The incidents of crime, according to the latest available data as reported by the FBI's Uniform Crime Report (UCR), declined 5 percent the first six months of 1982. The UCR, however, does not include federal crimes, therefore, we cannot say for certain whether the incidents of federal crimes are increasing or decreasing.

New Construction

QUESTION:

Besides wanting to keep inmates near their families, are there any other reasons for planning to build two new facilities in the Northeast?

ANSWER:

Yes. By planning a facility close to an inmate's home, savings can be realized and the inmates can be better managed. The further you have to transport inmates the more it costs. By keeping the facilities close to the origins of the inmate population, transportation savings are realized. Also, inmates who have more visitors have better adjustment in the institution. Keeping inmates close to home allows them to have more visitors which results in fewer institutional problems.

QUESTION:

What criteria will you use for site selection?

ANSWER:

We first base our decisions on inmate population demographics and projections. For instance, if we currently must house an inordi-

nate number of inmates who are residents of the northeastern states in institutions in other parts of the country, we know we need more capacity in the Northeast. Refinements of that process result in determinations of bedspace needs by geographic region and institution security levels.

Having those estimates, site searches begin, emphasizing current federal properties for the usual economic advantage of obtaining government rather than private land and/or buildings. The site search is also very dependent upon the security level of the institution planned. Minimum custody camps, for example, may often be located in surplus government buildings, while a medium to high security institution must be designed and built and requires a great deal of vacant acreage.

Once a suitable site is located, perhaps the most critical factor is community acceptance. This can involve a variety of public and private sector officials, as well as any other key individuals and groups from the community. Generally, the Federal Prison System will not proceed with a particular site where there is a significant level of community opposition. Often, during this process, corrections officials must devote considerable resources to educate the community about corrections.

There are a myriad of other factors involving such things as water supply, sewage treatment, public utilities, site terrain, local economics and political interests that can affect the site selection process, but only a much lengthier document could adequately cover them.

QUESTION:

What is your timetable for completing each of these three new projects? (One in Los Angeles and two in the Northeast.)

ANSWER:

The Los Angeles Metropolitan Correctional Center is scheduled for completion in June 1987. The Northeast Level 4 Federal Correctional Institution (FCI) is scheduled for completion in December 1986 and the remaining Northeast Level 2/3 FCI is scheduled for completion in June 1987.

QUESTION:

What increase in positions will you eventually need for these three planned facilities?

ANSWER:

The positions we would need to operate the three planned facilities are as follows:

Northeast FCI	220
Northeast FCI	220
Los Angeles MCC	190
Total.....	630

Alternatives to New Construction

QUESTION:

I understand that a prison needs clearinghouse was created at the Bureau of Prisons in August, 1981 to assist states in their efforts to obtain surplus federal property for correctional use. How active has this clearinghouse been?

ANSWER:

Enclosed is a list of properties and activities in which the clearinghouse has been involved. To date, the clearinghouse has received over 265 inquiries concerning surplus property.

QUESTION:

Yesterday, I asked Attorney General Smith about the possibility of using land on military bases, surplus land of this kind, for correctional facilities. He thought it was an idea that should be considered. What do you think of this idea? Could you estimate how much military property might qualify for use as prisons? Has the Bureau of Prisons ever considered doing this?

ANSWER:

Since 1971, three new federal correctional institutions, Pleasanton, CA, Miami, FL, and Bastrop, TX, have been built on surplus military property. In 1979, two surplus military facilities, Boron, CA, and Big Spring, TX, were acquired and converted to federal prison camps. Presently the Bureau is proceeding with the acquisition of a military facility at Mt. Laguna, CA. We have no idea of how much military property is excess or suitable for prison use, but we do investigate every surplus facility as it is made available.

QUESTIONS SUBMITTED BY MR. PORTER

Alternative Forms of Punishment for Non-Violent Crimes

QUESTION:

I understand the Attorney General gave a speech before the Vanderbilt Law School recently where he addressed the need for alternative forms of punishment for non-violent crimes. He has said essentially that alternatives to prison should be available to non-violent criminals where less severe punishment is sufficient. In reporting on the AG's speech, a statistic was used that 17 out of every 100,000 Americans was in prison last year and this figure places the U.S. third behind the Soviet Union and South America in locking up its citizens. What steps should the Congress take to move this Nation closer to the types of alternatives suggested by the Attorney General?

ANSWER:

All elements of the federal, state, and local criminal justice systems must continually monitor their prosecution, sentencing,

and confinement practices to ensure effective and appropriate use of prison alternatives.

In our 1984 budget request, for example, we have requested increased funding to expand our use of Community Treatment Centers. We also continually search for surplus property that can be economically converted to prison use.

In addition, the President's proposed Comprehensive Crime Control Act of 1983 would establish a Sentencing Commission which would develop sentencing guidelines for federal judges.

On a nationwide policy level, however, the problems vary significantly across jurisdictional boundaries.

Prior to recommending specific federal actions to assist state and local governments in the area of confinement alternatives, detailed consultation with state and local officials would be necessary.

QUESTION:

I wonder if you could comment on a statement from one of the Justice Department's newsletters: Bureau of Justice Statistics-Bulletin. In the bulletin for February 1983, it says on the front page that "three of every five persons who were in the Nation's local jails at midyear 1982 had not been convicted of an offense." These people were waiting to be formally charged or awaiting trial. What, in your view, is at the root of this situation and what do you believe we should be doing within our court system to alleviate it?

ANSWER:

Since this question addresses what is primarily a judicial issue, the Bureau of Prisons is not an appropriate authority to directly recommend solutions.

The Bureau is acutely aware, however, of the critical overcrowding in many of the nation's detention facilities. We believe that the U.S. District Courts have taken effective steps in reducing time spent awaiting trial and creating its Pre-Trial Diversion Programs.

The problems in many state and local courts and detention facilities impact the federal system by reducing the housing available for federal detainees. The Federal Prison System has been assisting the U.S. Marshals Service by providing increased detention space in its correctional institutions and Metropolitan Correctional Centers.

Finally, the Attorney General recently recommended increased use of confinement alternatives. Such alternatives should increasingly be made available to pre-trial detainees, while also emphasizing expansion of housing for detainees across the nation.

Vocational Training

QUESTION:

You mention on page 2 of your statement that you are providing programs of vocational training, industrial work and recreation to

prisoners. Can you tell me the types of vocational education you are providing and the extent of your activities in this area? How many prisoners are receiving training in industrial work? What about access to recreation?

ANSWER:

The Federal Prison System offers a wide variety of occupational training programs. They range in skill and diversity covering such fields as building maintenance and bicycle repair, office occupations, automotive technicians, horticulturists and waste water and petroleum technologies. In 1982, \$3 million was made available for occupational training in Federal Prison Industries (UNICOR) to support training in emerging occupations. These new efforts include computerized drafting, electronics, quality assurance, and computer technologies.

Over 7,000 inmates (33 percent of the total population available for work) are employed by Federal Prison Industries. Industrial operations include job opportunities and training in wood/plastics, metals, shoe/brush operations, electronics, textiles, and data/graphics.

Each institution offers inmates a wide range of indoor and outdoor individualized (weightlifting, jogging, etc.) and group (basketball, touch football, volleyball, etc.) athletic activities and arts and crafts (ceramics, painting, drama, leathercraft, music, etc.). Chess and bridge clubs are organized in many institutions. Inmate drama groups put on plays and, at times, write their own plays. Inmate bands in country, rock, and soul music perform concerts for the inmate population. Movies and invited guest performances are scheduled as frequently as possible. Annual art shows and related activities also take place in most institutions.

Leisure programs staff coordinate activities with community athletic teams, inmate organizations such as Jaycees, Toastmasters, NAACP and community artists and performers willing to provide shows for the inmate population. Continuing sources of new ideas for leisure programs are the inmate survey and student interns, most of whom are pursuing university degrees in recreation. Through combined funds of the National Endowment for the Arts and the Federal Prison System, artists are retained on a contract basis to provide professional instruction in the visual or performing arts.

Recommendations of Attorney General's Task Force on Violent Crime

QUESTION:

Could you address the question of federal assistance in state and local corrections activities? You mention on page 7 of your statement that the National Institute of Corrections has been effective in responding to recommendations of the Chief Justice and the Attorney General's Task Force on Violent Crime by establishing the National Academy of Corrections in Boulder, Colorado. However, I wondered how far along we were on the other recommendations of the Task Force. In addition, I wondered if you could outline your view of the federal role in assisting the states meet their overpopulation problems.

ANSWER:

The Attorney General's Task Force on Violent Crime made several recommendations in its August 1981, final report that called for the involvement of the National Institute of Corrections. Following are the specific recommendations that required action and the Institute's view of the federal role in assisting the states meet their overpopulation problems.

Recommendation 11. The Attorney General should expand, where possible, the training and support programs provided by the Federal Government to state and local law enforcement personnel.

Recommendation 44. The Attorney General should establish, and where necessary, seek additional resources for specialized training programs to allow state and local law enforcement personnel to enhance their ability to combat serious crime.

Response. Both recommendations speak to the need for training correctional personnel. Discussion in the report cited the Federal Government as having, within its existing structure, the capability to provide appropriate training through the National Institute of Corrections (NIC) and the Federal Prison System (FPS). In responding, the NIC and the FPS devised a strategy where they could jointly augment the training available to state and local correctional personnel, specifically in areas that deal with violent offenders.

The FPS, which provides specialized and generic correctional training for its own staff, scheduled an ongoing series of programs for state and local correctional personnel in subject areas that deal with institutional security and violence issues, such as locksmithing, disturbance control, and self-defense. Marking the first time FPS training became available to state and local practitioners, this series of programs is conducted by FPS trainers at FPS training centers and specialized facilities. The National Institute of Corrections coordinates the training and covers the travel and per diem expenses of participants. State and local correctional personnel also fill 10 percent of all available slots in the Federal Prison System's ongoing internal training programs as part of this program.

Recommendation 46. The Attorney General should ensure that the soon-to-be-established National Academy of Corrections will have adequate resources to enable state and local correctional personnel to receive training necessary to accommodate the demands on their agencies for managing and supervising increased populations of serious offenders.

Response. The Academy was activated on October 1, 1981, within existing resources. In 1982, approximately 2,100 state and local correctional practitioners from all areas of corrections--jails, prisons and community-based programs--and policymakers from state and local governments received training at the Academy. In addition, another 2,500 state and local correctional practitioners received training through the Institute's outreach programs.

From the Academy's beginning, training has been designed to supplement and enhance the training provided by state and local agencies. Therefore, most of the training conducted at the Academy is designed for two key groups: the executives, managers, and policy-

makers within correctional systems and programs; and staff trainers at state and local agencies.

The Academy has three primary goals in addressing its targeted audience: (1) To improve the skills and abilities of managers and executives in corrections. The Academy's Management Series of graduated courses develops and refines the skills needed to manage complex, multidimensional correctional systems. This integrated series forms the "core" of Academy training activities for corrections professionals.

(2) To enhance the ability of correctional agencies to conduct professional in-house staff training. The Academy's Trainers Series develops the generic training skills of staff trainers and also provides specialized training packages to be delivered at the agency level by trainers in the subjects at the Academy.

(3) To respond to emerging issues in the field of corrections. The Academy's Emerging Issues Series consists of seminars that address critical problems arising in corrections. Many of these subject areas are identified by the Institution's prisons, jails and community corrections divisions as representative of the current issues practitioners are facing.

Recommendation 53. The Attorney General should ensure that . . . adequate resources are available for the research, development, demonstration, and independent evaluation of methods to prevent and reduce serious crime; for disseminating these findings to federal, state, and local justice agencies; and for implementing those programs of proven effectiveness at the state and local levels.

Response. NIC does not have the necessary funds to support substantial testing, demonstration, and independent evaluation of a wide number of innovative programs. However, in selected areas that have been identified by state and local corrections personnel as being of crucial need, considerable work has been done. For example:

1. Classification: The Institute has invested heavily in the development of classification instruments and systems. Classification involves objectively based actuarial screening of offenders for risk of violence and escape, and related decisions regarding proper custody, security, and programming. Linked with local sentencing policy, classification and management strategies result in appropriate security designations as well as efficient allocation of scarce resources. Emphasis is on systems that enhance the constitutionality of correctional facilities, improve services to special classes of offenders, provide adequate safety for staff, inmates and the public, and support the increased use of community supervision.

A model prison classification delineates levels of offender supervision, custody and services but also structures decision-making in order to reduce disparity in classifying individual offenders.

Through appropriate use of classification, huge savings can be made in facility construction and operation as inmates are placed in programs that meet their security requirements.

2. Overcrowding: A unique private/public venture linking the resources of the Edna McConnell Clark Foundation and the National Institute of Corrections is being carried out to address the issue of prison overcrowding. The project is working with key policymakers in four states: South Carolina, Oregon, Colorado, and Michigan. The goal of the project is to demonstrate that individual states can control prison overcrowding—both in the present and the long term—through a carefully constructed process of fact finding, education, consensus, planning, and implementation that includes all key elements of the criminal justice system in each step of the process.

The focus on group process is central to the project. Prison overcrowding cannot be solved by any one agency, but is inherently systemic. The prison population represents an array of decisions made by all elements of the criminal justice system—policy, prosecutors, defense lawyers, judges, corrections officials, parole boards, legislators, and citizens.

The project is a three-year effort: 1981 was devoted to national planning and staffing; 1982, to state selection and establishing state policymaking groups; 1983 marks the transition from problem assessment to actual implementation of the decisions reached by state policymakers.

Each of the four participating states has established a prison overcrowding policy group composed of representatives from the judiciary, legislative, and executive branches and the private sector. The policy groups are charged with developing a comprehensive, workable plan to control their state's overcrowding problem, based on an in-depth understanding of the specific factors within the state that have created the problem and that will continue to exacerbate it. Although the groups have different bases they must address such issues as who should be in prison, for how long, and under what conditions of confinement, all within the context of the state's prison capacity.

Project staff provide training, information services, and technical assistance. The project design maximizes the effectiveness of the state policy groups by providing guidance of the policymaking processes and support for each state's efforts to mobilize its resources and reach an informal consensus. One of the project guidelines is that an adopted strategy must be based on a realistic assessment of all possible options and a documented examination of how that strategy will affect the state's overcrowding problem. It is hoped that the planning and strategies developed will be transferable to other states.

3. Planning of New Institutions: Hundreds of state and local jurisdictions are in the early stages of deciding whether to renovate or build correctional institutions. Many of the facilities built in recent years fail to meet national accreditation standards or represent the community's real detention needs. This situation results from inadequate planning and

low levels of participation in the planning and design processes by correctional personnel and citizens.

For the past several years, the National Institute of Corrections has provided limited assistance through its Planning of New Institutions program to local jurisdictions that are considering building a new jail or prison or undertaking major renovation of an existing facility.

The Planning of New Institutions program is based on a comprehensive planning model that stresses an integrated process of planning, decisionmaking and implementation. Participating jurisdictions put together teams of key individuals responsible for planning and operating the new facility. The teams then receive technical assistance and training in all aspects of correctional facility planning.

Since the program's inception, approximately 120 jurisdictions have participated in the programs.

Additional efforts by NIC to help state and local corrections regarding problems related to violence include prescriptive programs addressing such issues as: (1) protective custody; (2) riots and disturbance; (3) inmate grievance procedures; (4) racial disparity; (5) disciplinary procedures; and (6) alternatives to litigation.

Recommendation 54. The Attorney General should seek legislation calling for \$2 billion over four years to be made available to the states for construction of correctional facilities.

Response. Funds have not been provided to carry out this recommendation, but the Cooperative Agreement Program administered by the Marshals Service provides limited assistance to local jails used to house federal prisoners.

Recommendation 55. Within six months, the National Institute of Corrections, which would administer the program described in Recommendation 54, would develop models for maximum, medium, and minimum security facilities of 750 and 500 (or fewer) beds from which the states would choose the appropriate model(s) for construction. In addition, over the four year period, NIC would complete studies pertaining to the possible establishment of regional prisons, the feasibility of private sector involvement in prison management, and the funding needs of local jails. The Attorney General should review NIC's findings and other relevant information to determine the need for additional funding upon completion of the four-year assistance program.

Response. Even though funds were not provided for construction purposes, the National Institute of Corrections has addressed the specific requests for information that were set forth in Recommendation 55.

Extensive workshops were held with correctional administrators and knowledgeable architects contributing to the development of a design criteria handbook for adult facilities which will be completed in

July 1983. The American Correctional Association was given a grant to assist in the developing and publishing of this document.

Capitol Communications, Washington, D.C., received a grant to develop a monograph series on model design of jail and prison facilities. This series of documents will specifically address the request for models of maximum, medium, and minimum security facilities from which states could choose. These will be published by July 1983.

A workshop for prison design will be held this summer to develop creative and innovative design concepts for both jail and prison construction.

A grant was awarded to Armstrong State College of Savannah, Georgia, to explore the feasibility of the regional prison concept. This work will be completed and available to the field by October 1983.

A grant was awarded to Criminal Justice Institute of Pound Ridge, New York to explore the feasibility of private sector involvement in prison management. This work will be completed and available to the field by October 1983.

In addition, two seminars have been held for State Correctional Construction Managers. The last seminar included managers from eleven states with planned construction of over \$2.5 billion. Four additional seminars will be held during this year to assist state and local corrections in addressing their design, construction management, and opening of new facilities needs.

NIC was also requested to outline its views on what can be done at the federal level to assist states in dealing with the overcrowding problem.

There is no single panacea to the problems of overcrowding, but NIC can suggest areas in which federal programs could play a key role in assisting the current situation.

First, the current overcrowding has been reduced slightly by the transfer of federal surplus properties to the states and localities for correctional use. From July 1981 to date, eight federal properties valued at an estimated \$21,082,000 have been transferred, providing 4,051 beds. Three of the properties were donated outright; one was sold for \$8.5 million; and lease agreements were negotiated for the other four. As additional six property transfers are pending finalization of sale or leasing arrangements. It should be noted that the Government currently both sells and leases at fair market value.

While the Administration has been supportive and bills are pending before Congress to authorize outright donation of surplus federal properties for state and local correctional use, legislation was not passed at the last session of Congress. The donation of surplus property to state and local corrections for use as jails or prisons would be of great assistance in addressing the overcrowding problem.

Second, additional funds could be made available to those states that would develop strategies for reducing prison overcrowding.

Such a program which the National Institute of Corrections and the Edna McConnell Clark Foundation are jointly sponsoring had 22 states and Puerto Rico applying for participation. Funding permitted participation of only four of these states. For a modest investment of money, the states of Oregon, Colorado, Michigan, and South Carolina are making real progress in developing well through-out strategies to deal with their problems of overcrowding.

Third, it would seem appropriate to have a cost impact study prepared on any proposed federal legislation that would affect state and local corrections. In January of this year legislation was passed without members of Congress realizing the impact on state and local corrections.

An amendment to the Services Transportation Act limited use of federal funds to purchase certain products manufactured by state prison industries. Prohibitive legislation has a negative enough effect when it impacts the corrections system's ability to generate new programs. However, in this instance, the amendment has effectively shut down a 30 year old state prison industry that until recently operated in 37 prisons across the country. Hundreds of thousands of dollars have been lost in terms of capital investment, inventory, and sales because of this one piece of legislation.

Prison industries has long been a source of revenue to the state corrections systems. These programs are also essential to reducing inmate idleness; providing training, skills, and improved chances of employment upon release; and providing funds with which the offender can assist his family in the community. The Chief Justice of the Supreme Court has often spoken out on the need to make our prisons into factories where constructive skills can be learned and useful goods manufactured.

In summary, it would seem that the Federal Government should do everything possible to keep from compounding the critical problems that state and local corrections are facing. In addition, the Federal Government's role of leadership should be exerted through continued support of training, technical assistance, information sharing, and program/policy development. The Federal Correctional System should act as a role model and the National Institute of Corrections should be the vehicle to transfer such models to state and local corrections.

Alternatives to New Construction

QUESTION:

On page 5 of your statement you discuss alternatives to new construction. You mention your activities with regard to the acquisition of surplus property and conversion. I wondered if you could expand on your activities in this regard and discuss your efforts to identify possible properties across the states?

ANSWER:

We have found the use of existing federal properties to be the most cost-effective approach to increasing our minimum security correctional facilities.

For medium and higher security facilities, however, security features such as steel reinforced concrete must be designed into the facility. Therefore, existing government structures are generally inadequate. The costs of upgrading them to medium security requirements could exceed new construction costs and result in still unsatisfactory facilities. Also, they often do not include adequate space to operate the necessary correctional programs, e.g., educational, vocational, industrial, and counseling programs.

However, since we have found much value in the use of existing government properties, particularly for minimum custody institutions, we closely review every report of excess property that the General Services Administration publishes to determine if any are suitable for our use. Since we now review every notice, we know of no other way to expand the search.

SURPLUS PROPERTY CLEARINGHOUSE PROGRESS REPORT
3/1/83

SITE	STATUS	COMMENTS
TRANSFERRED PRIOR TO ESTABLISHMENT OF CLEARINGHOUSE		
1. Charleston, Maine (former Air Station)	Donated to State Sept. 1981, no fee. Used by State since Oct. 80 as a minimum custody camp with a vocational program.	Bureau's involvement was that of recommending approval of Maine's application for the property.
2. Chillicothe, Ohio (former federal reformatory)	Leased by State in 1966 for \$37,472.50 per month. State bought the property on 8/26/82 for \$8.5 million.	Ohio operates a medium security institution for older and repeat offenders housing as many as 2,000 inmates with 450 staff.
3. McNeil, Island, Washington (former U.S. Penitentiary)	Leased by State July 1981 for \$36,667.00 per month. Right of entry has been extended while GSA is negotiating with State over sale price.	GSA regional officials indicate that they want the State to buy the property, but they must negotiate a mutually agreeable fair market value.
TRANSFERS COMPLETED WITH CLEARINGHOUSE ASSISTANCE		
4. Watertown, NY (former Air Force Station)	State was permitted entry in September 1981. GSA and State have now signed a lease permitting inmate housing and State renovations. Congress approved, but wants GSA to sell the property.	GSA made an offer for eventual sale to NY in the neighborhood of \$300,000. The State is now deliberating on the offer, although it may also apply for a U.S. Department of Education grant for the property.
5. Fort Dix, NJ (former Army prison)	Three year lease was signed for \$300,000 a year.	State renovated the facility and is housing 400-500 inmates.
6. Camp Atterbury Indiana (National Guard)	Indiana is housing work releasees on this National Guard facility. Lease was signed for an 18 month period with State improvements in lieu of lease payments.	Adjacent to the Camp is the Atterbury Fish & Wildlife area which the State wants for a permanent work release center. (See next section.)
7. Branchville, Perry County Indiana	Indiana is converting this former Job Corps Center to a 350 bed minimum custody camp with an ABE/VT program.	Department of Education grant is complete. Indiana officials are housing inmates there and preparing it for increased use.
8. Public Safety Center, Minden, Nevada	Bureau of Land Management conveyed the property at no cost to Douglas County on 2/5/82 after previous county use and Bureau of Prison's recommendation.	County has built a Public Safety Center including a court, Sheriff/DA/Clerk offices, and 44 bed detention facility replacing older, smaller facility.
TRANSFERS PENDING		
9. Lockport Air Force Station, New York	Lease agreement prevented by injunction. No temporary entry can be made.	State planned conversion to a 354 bed medium security correctional facility but the legislature disapproved the sale. The State is considering a Dept. of Education property grant.

10. Hawk Missile Site Dade Co. Florida	Temporary entry was nearly finalized when Executive Order was signed that prohibited such transfers. State now plans to purchase the property. GSA proposed price is \$85,000.	State plans to house inmates once sale process is complete. It has forwarded the necessary 10% down and offer of purchase to GSA which will now seek Congressional approval of sale.
11. Opa Locka Coast Guard Station, Dade County, Florida	Florida Dept. of Corrections wants 5 of the 21 acres to build a community corrections facility for 100-150 inmates.	GSA and Florida are in appraisal/sale process. GSA forwarded sale price to Florida of \$291,500. Now, GSA is waiting for state approval of sale.
12. Fort Allen, Puerto Rico	Governor of Puerto Rico wants some buildings used by I&NS for Haitian detainees. White House meeting scheduled in March with Puerto Rico officials. Army now indicates its needs for the property should precede Puerto Rico's.	Secretary of the Army's office, having been contacted by the White House, considered a lease agreement similar to that being developed for Camp Atterbury, Indiana. Army is now going to White House with recommendation to deny Puerto Rico's request to use it as a prison.
13. Atterbury Fish & Wildlife Area, Indiana	The State also wants to build a work release center on parkland ceded to the State under an Interior grant. This will be a permanent work release center.	The National Park Service will sell Indiana 3 acres for about \$9,400 once deed is drawn.
14. Indiana Army Ammo Plant, Charlestown (Louisville Metro Area)	The Governor contacted the Secretary of the Army to obtain use of a building on this property for a work release facility. Army first gave detailed security requirements and then decided against the State's proposed use.	After Army decided to deny the request, Governor Orr obtained Secretary of Defense approval for a two year minimum lease period. Although not official yet, the lease conditions should be similar to Camp Atterbury where State capital improvements substituted for lease payments.
15. Norco, Riverside County California (China Lake Naval Weapons Center)	California Dept. of Corrections staff met in February with GSA and U. S. Dept. of Education staff concerning an education grant for this property. By April 1983 GSA will label it surplus, thus making the property available to the State.	The State would use this property to expand its California Rehabilitation Center by constructing inmate housing and running a vocational training program.

THURSDAY, MARCH 17, 1983.

IMMIGRATION AND NATURALIZATION SERVICE

WITNESSES

**ALAN C. NELSON, COMMISSIONER, IMMIGRATION AND NATURALIZATION
SERVICE**

DORIS M. MEISSNER, EXECUTIVE ASSOCIATE COMMISSIONER

JOSEPH F. SALGADO, ASSOCIATE COMMISSIONER FOR ENFORCEMENT

MALCOLM E. ARNOLD, COMPTROLLER

**THOMAS N. PERRELLI, DIRECTOR, PROGRAM PLANNING AND BUDGET
STAFF**

ROSS C. CORY, CHIEF, BUDGET FORMULATION GROUP

KEVIN D. ROONEY, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION

CHARLES R. NEILL, CONTROLLER

JOHN R. SHAFFER, DIRECTOR, BUDGET STAFF

BUDGET REQUEST

Mr. EARLY [presiding]. The Committee will come to order. The Committee will now consider the fiscal year 1984 budget request for the Immigration and Naturalization Service. The fiscal year 1984 request is \$539,261,000. This amount represents an increase of \$54,830,000 above the amount enacted to date for fiscal year 1983.

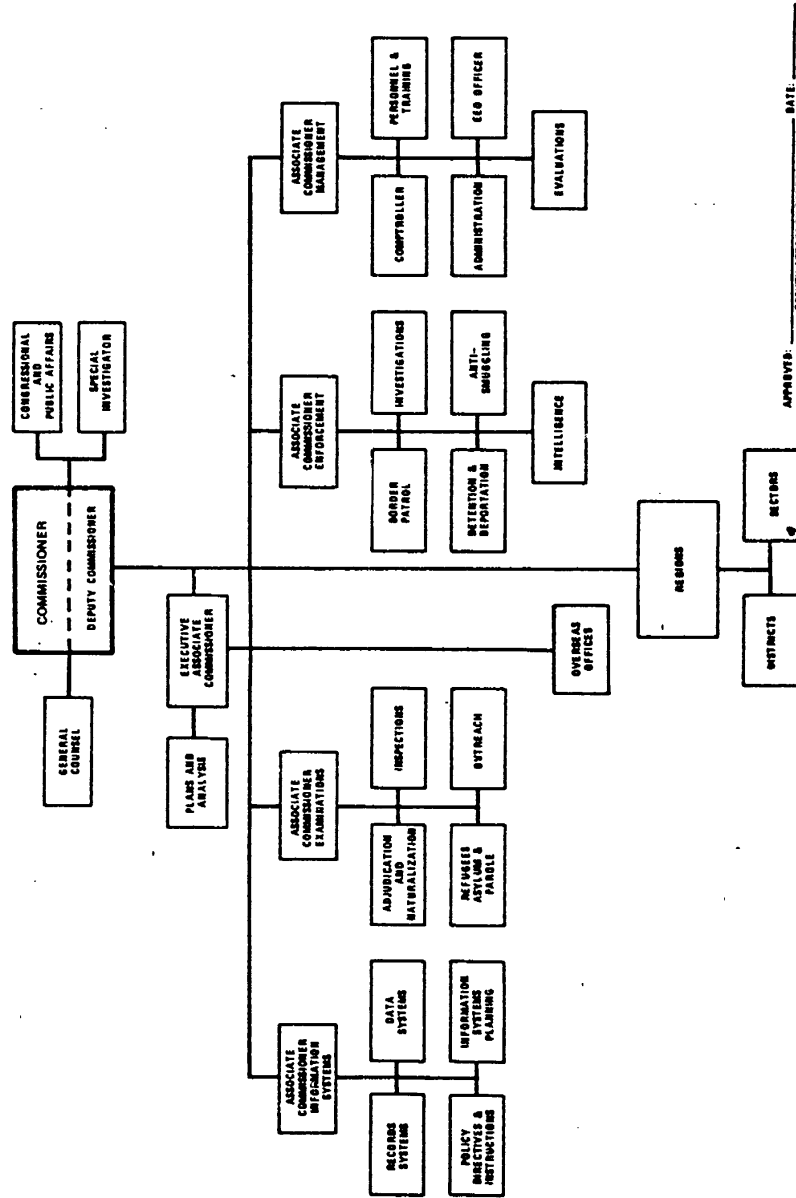
We shall insert at this point in the record the justification material submitted in support of this budget request.

[The justification material follows:]

Department of Justice
Immigration and Naturalization Service
Estimates for Fiscal Year 1984
Table of Contents

<u>Item</u>	<u>Page</u> <u>Number</u>
Organization Chart.....	1
Summary Statement.....	2
Proposed Authorization Language.....	5
Proposed Appropriation Language.....	7
Crosswalk of 1983 Changes.....	9
Summary of Requirements.....	11
Summary of Resources by Program.....	12
Justification of Program and Performance.....	13
Status of Congressionally Requested Studies, Reports, and Evaluations.....	69
Priority Rankings.....	70
Detail of Permanent Positions by Category.....	71
Summary of Adjustments to Base.....	72
Justification of Adjustments to Base.....	73
Financial Analysis of Increases.....	77
Summary of Requirements by Grade and Object Class.....	78

IMMIGRATION AND NATURALIZATION SERVICE



Immigration and Naturalization Service

Salaries and expenses

Summary Statement

Fiscal Year 1984

Careful planning and attention to only our most pressing priorities have guided the Immigration and Naturalization Service's budgeting for the last two years. A Mission Plan was developed as a part of an intense long-range planning effort by the Immigration and Naturalization Service (INS). The Mission Plan, in turn, provides the basis for the APP plan that was completed in late October of 1981.

It is worth reiterating the major strategic concepts that underlie all current planning and budgeting.

- Critical Activities - Identify and give priority to the most pressing responsibilities of the INS. For example, in the enforcement area, emphasis is placed on creating a major presence on our southern border to deter illegal entry.
- Concentration of Effort - This involves diverting resources from less productive areas to those activities that bring about the most effective administration of our immigration and naturalization laws. Notably, we have emphasized more "area control" investigation in urban areas and more efficiency in inspections on our northern border.
- Timeliness in Service - Standards must be established for providing a variety of immigration benefits in a timely manner. Failure to do so only harms the overall image of the INS, adds to the potential for fraud and brings about backlogs and other inefficiencies in operations. The success of our up-front adjudications program is an example of this theme. In addition, we have established remote adjudication centers where we have realized significant increases in productivity, thereby reducing backlogs in our larger offices.
- Procedural Modification - Only through a systematic modification of procedures can the INS reduce many current inconveniences to the public and thereby provide timely response to claims for benefits. Recent proposed changes in how we regulate the stay of visitors and foreign students will bring some savings and allow us to concentrate enforcement efforts on higher priority areas.
- Information Collection - Less attention will be given to repeatedly collecting the same information on individual aliens, and more consideration will be given to providing information in aggregate about groups that allows analysis to direct our future activities. This includes, among other things, reduction of forms and developing more systematic profiles and patterns of potential fraud. We are beginning to develop profiles that will place a premium on what information is essential to doing our work in the most effective manner.

-- Enforcement Directed at Employment of Aliens - Enforcement activities away from the border will emphasize major employers of sizeable numbers of illegal aliens.

In light of these concepts, our 1984 request becomes all the more important. Past budgets tended to pay little attention to long-range concerns, dwelled on the need for additional personnel as the solution to workloads, and ignored the potential for procedural modification to control workload growth. This budget reverses those tendencies.

The major thrust of the 1984 request is to begin to implement automation in the INS. It requests the first year resources for acquisition of major systems to considerably enhance our capabilities in this area.

While we have requested few additional positions, we do recognize that substantial long-term improvements do require some one-time increases to bring about future cost deferrals. Funds to establish a national records center and a regional telephone center represent this element in our planning.

For the last four years, the INS has conscientiously worked to cooperate with other federal inspection agencies to improve inspections procedures. One-stop inspection, citizen-by-pass, and the experimental Accelerated Specialized Inspection Test program all represent improved techniques for coping with increased inspection demands. The Administration continues to pursue the issue of a consolidation of primary inspections. We are requesting additional funds in 1984 for the continuing requirement to pay the 1931 Act overtime, which the Congress did not repeal in 1982, and to offset the surge in inspections workload expected to occur during the 1984 Olympics in Los Angeles. This funding level must also continue for a new inspectional facility at Otay Mesa, California.

The remainder of the request stresses equipment needs and technological assistance for our enforcement personnel. All of our current enforcement efforts stress activities that prepare us to implement immigration legislation, in the event of enactment. However, the Administration will not request specific funding until the legislation is enacted.

Specifically, the major themes of our 1984 request are the following:

- Automated Data Processing and Communications Systems (\$20.206 million)

1984 represents the first full-year funding for INS' new automation program. Totalling \$16.528 million, the increased level of funding includes 22 permanent positions (\$661,000), equipment (\$7.711 million), database development (\$2.887 million), operation of new systems (\$4.733 million), and the data communications systems (\$536,000).

- The increased level also includes \$3.678 million to modernize and increase communications support for all enforcement activities.

• Establishment of the National Records Center (\$10.090 million) and the Eastern Region Telephone Center (\$719,000)

The National Records Center will increase INS' efficiency in handling records and files accountability. Significant annual cost savings will result from the relocation of the present decentralized records stored in costly field office space to a national records center warehouse type storage facility. The adequate storage space at the Center will permit the INS to revise its current practice of retiring files prematurely to the GSA Federal Records.

The Eastern Region Telephone Center represents INS' initial efforts toward a servicewide centralization of INS' telephone services.

• 1931 Act Overtime (\$5.2 Million)

In 1982, the Inspections program was reduced by \$5.2 million in anticipation of repealing the 1931 Act regarding overtime. This reduction was based on the assumption that the overtime Act of 1931 would be repealed and replaced by an amended version of the overtime Act of 1945. Since there is no indication that this new legislation will be enacted soon, overtime compensation for inspectors will continue to be paid at the higher rate under the 1931 Act.

• Olympics 1984 (\$640,000)

Thirty-eight workyears are requested for the 1984 Olympics which will then be transferred to a new port of entry at Otay Mesa, California. It will be a major land border port with an anticipated 20 million persons applying for admission annually. The construction of the port facility is expected to be completed before the end of 1983.

Immigration and Naturalization ServiceSalaries and expensesProposed Authorization Language

The Immigration and Naturalization Service is requesting the following authorization language:

For the Immigration and Naturalization Service, for expenses necessary for the administration and enforcement of the laws relating to immigration, naturalization and alien registration including-

- (A) advance of cash to aliens for meals and lodging while enroute;
- (B) payment of allowances to aliens, while held in custody under the immigration laws, for work performed;
- (C) payment of expenses and allowances incurred in tracking lost persons as required by public exigencies in aid of State or local law enforcement agencies;
- (D) payment of rewards;
- (E) not to exceed \$50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and accounted for solely on the certificate of the Attorney General;
- (F) purchase for police-type use and hire of passenger motor vehicles;
- (G) acquisition, lease, maintenance and operation of aircraft;
- (H) payment for firearms and ammunition and attendance at firearms matches;
- (I) operation, maintenance, remodeling and repair of buildings and the purchase of equipment incident thereto;
- (J) refunds of maintenance bills, immigration fines and other items properly returnable except deposits of aliens who become public charges and deposits to secure payment of fines and passage money;
- (K) payment of interpreters and translators who are not citizens of the United States and distribution of citizenship textbooks to aliens at nominal cost to such aliens;

- (L) acquisition of land as sites for enforcement fences, and construction incident to such fences;
- (M) research related to immigration enforcement which shall remain available until expended;
- (N) payment of expenses related to the purchase and/or lease of privately owned horses and to accept donated horses for use by the Immigration and Naturalization Service law enforcement operation;
- (O) payment of expenses necessary under section 501(c) of the Refugee Education Assistance Act of 1980 (P.L. 96-422) for the processing, care, maintenance, security, transportation and reception and placement in the United States of Cuban and Haitian entrants;

\$539,261,000 of which not to exceed \$100,000 may be used for emergency replacement of aircraft upon the certificate of the Attorney General and of which \$400,000 shall remain available for research until expended and of which not to exceed \$10,090,000 is authorized to be appropriated to establish a National Records Center and \$11,134,000 is authorized to be appropriated to implement a long-range automated data processing plan, each amount to remain available until September 30, 1985: Provided, That none of the funds authorized to be available to the Immigration and Naturalization Service shall be available for administrative expenses to pay any employee overtime pay in an amount considered in excess of a ceiling established by the Commissioner of the Immigration and Naturalization Service except when determined by the Commissioner that overtime pay in excess of the ceiling is essential to the function of the Immigration and Naturalization Service.

Immigration and Naturalization Service

Salaries and expenses

Justification of Proposed Changes in Appropriation Language

The 1984 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and expenses

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed \$50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and accounted for solely on his certificate; purchase for police-type use (not to exceed four hundred [one of which four hundred shall be] for replacement only) and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and research related to immigration enforcement; and for expenses necessary under Section 501(c) of the Refugee Education Assistance Act of 1980 (Public Law 96-422) for the processing, care, maintenance, security, transportation, and the initial reception and placement in the United States of Cuban and Haitian entrants; [of which not to exceed \$400,000 shall remain available for research until expended]; That none of the funds available to the Immigration and Naturalization Service shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of \$20,000 except in such instances when the Commissioner makes a determination that this restriction is impossible to implement.

including payment of allowances (at a rate not in excess of \$4 per diem) to aliens for work performed while held in custody under the immigration laws, to remain available until expended
\$539,261,000
and of which not to exceed \$10,090,000 shall be available to establish a National Records Center and \$11,134,000 to implement the long-range automated data processing plan, each amount to remain available until September 30, 1985: Provided further,

Explanation of Changes

1. The first change increases the amount which may be paid to aliens who do work for the Service while held in INS detention facilities. 8 USC 1555 requires that the rate of payment of allowances be specified from time to time in the Appropriation Act. The present rate of reimbursement, \$1.00 per day, has been in effect since 1948, and is too low to encourage aliens to volunteer for work in and around the detention facilities.
2. Section 501 of the Refugee Education Assistance Act of 1980 (P.L. 96-422) relates to the processing, care, maintenance, security, transportation and the initial reception and placement of Cuban and Haitian entrants. House documents 97-168 transmitted a request to make 1983 funds for this purpose available until expended, but the request appears not to have been considered by the Congress.
3. This language authorizes the INS to expend \$11,134,000 over a two-year period in conjunction with its long-range automated data processing (ADP) plan. It will allow the INS to more efficiently manage the use of these resources given the long procurement lead times required for ADP development and implementation.
4. This language authorizes the INS to expend \$10,090,000 over a two year period in conjunction with its planned national records processing center.

Immigration and Naturalization Service

Salaries and Expenses

Crosswalk of 1983 Changes
(Dollars in thousands)

Activity/Program	1983 President's Budget Request		Congressional Appropriation Actions On 1983 Request		Reprogramming		1983 Supplemental Requested (Pay Raise)		1983 Appropriation Anticipated	
	Pos.	WT	Pos.	WT	Pos.	WT	Pos.	WT	Pos.	WT
1. Enforcement										
a. Inspections.....	1,357	1,710	...	25	34,267	...	...	...	1,357	1,735
b. Border Patrol.....	2,890	2,834	...	...	-255	-24	-690	...	2,866	2,810
c. Investigations.....	1,052	793	...	...	-990	-23	...	...	1,029	793
d. Anti-Smuggling.....	304	283	...	...	-83	-5	-190	...	299	278
e. Detention & Deportation.....	1,039	1,076	...	...	-5,506	1	-472	...	1,040	1,077
Subtotal.....	6,642	6,696	...	25	-2,357	-51	-1,352	...	6,591	6,693
2. Citizenship and Benefits										
a. Adjudications & Naturalization.....	1,161	1,194	...	-25	-1,064	-18	-587	...	1,143	1,151
b. Refugees and Overseas.....	113	120	...	...	...	-5	-190	...	108	116
Subtotal.....	1,274	1,314	...	-25	-1,064	-23	-777	...	1,251	1,268
3. Immigration Support										
a. Training.....	51	50	...	...	-31	10	306	...	61	60
b. Data & Communications Systems.....	163	161	...	...	-272	-2	-58	...	161	159
c. Information and Records Management.....	1,248	1,316	...	...	-809	-3	-52	...	1,245	1,313
d. Intelligence.....	25	25	...	...	-21	1	...	...	26	25
e. Research and Development.....	2	2	...	...	...	...	...	...	2	2
f. Construction & Engineering.....	15	17	...	...	-6	...	500	...	15	17
g. Field Management & Support.....	227	236	...	...	-235	45	1,195	...	272	281
h. Legal Proceedings.....	121	118	...	...	-81	48	37	...	169	155
i. Judicial Review.....	...	...	...	40	1,514	...	1,037	...	...	...
Subtotal.....	1,852	1,925	...	40	39	-99	-87	...	1,851	1,922
4. Program Direction										
a. Executive Direction and Control.....	184	206	...	...	-116	14	8	...	198	214
b. Administrative Services.....	531	517	...	...	-292	-39	-44	...	492	473
Subtotal.....	715	723	...	...	-408	-25	-36	...	690	687
5. Reception, Processing & Care.....	...	...	...	...	...	...	...	...	...	...
Total.....	10,483	10,658	488,401	40	-3,970	...	...	11,263	10,483	10,698
										495,694

Explanation of Analysis of Changes from 1983 Appropriation Request

Congressional Appropriation Actions

The Congress eliminated \$5,484,000 requested for GSA rental payments (SLUC) pursuant to its general policy of freezing such payments at the 1982 level for the same space. It allowed \$1,514,000 and 40 workyears for expenses incurred by INS in retaining the Judicial Review function for the first quarter of 1983 during the transfer of the function to the Executive Office for Immigration Review. In conference action agreement was reached to allocate \$5,000,000 for an additional 100 inspectors along the Southwest Border in Texas.

Reprogramming

The first reprogramming by INS for 1983 includes staffing for Legal Proceedings, a newly-created program, and an increase in permanent positions for Training which has been detailing field personnel to the Border Patrol Academy to supplement the shortage of teachers. To match INS staffing with its finalized new program structure, positions inadvertently recorded under Administrative Services are reprogrammed to Information and Records Management and Field Management and Support. The reprogramming also provides additional support for Central Office management and the Southern Region. All the reprogrammings are permanent except for the one-time transfer of \$500,000 for renovation of Port Isabel facilities.

Supplemental Pay Request

The pay request provides \$11,263,000 to meet increased pay requirements which include the pay raise (Executive Order 12387 of October 8, 1982) and medicare costs (P.L. 97-248, the Tax Equity and Fiscal Responsibility Act of 1982).

Immigration and Naturalization Service

Salaries and Expenses

Summary of Requirements
(Dollars in thousands)

	<u>Perm.</u>		<u>Work-</u>		<u>Amount</u>	
	<u>Pos.</u>		<u>Years</u>		<u>Amount</u>	
<u>Adjustments to base:</u>						
1983 as enacted.....	10,483	10,698			\$484,431	
Supplementals requested:						
1983 pay supplemental requested.....					11,263	
1983 appropriation anticipated.....	10,483	10,698			495,694	
Transfer to and from other accounts:						
Transfer to Civil Division.....	-4	-4			-250	
Transfer to Executive Office for Immigration Review.....	...	-40			-1,514	
Uncontrollable increases.....	...	...			21,967	
Decreases.....	...	...			-2,292	
1984 base.....	10,479	10,654			513,605	
	<u>1982 Actual</u>		<u>1983 Appropriation</u>		<u>1984 Base</u>	
	<u>Perm.</u>		<u>Anticipated</u>		<u>1984 Estimate</u>	
	<u>Pos.</u>		<u>Perm.</u>		<u>Perm.</u>	
	<u>WY</u>		<u>Pos.</u>		<u>WY</u>	
	<u>Amount</u>		<u>Amount</u>		<u>Amount</u>	
Estimates by budget activity						
1. Enforcement.....	6,630	6,477	6,591	6,693	6,591	6,756
		\$277,651		\$303,001		\$315,215
						\$311,055
2. Citizenship and Benefits.....	1,274	1,269	1,251	1,266	1,251	1,266
		40,996		46,167		48,145
3. Immigration Support...	1,988	1,908	1,951	2,052	1,949	1,985
		86,008		86,434		88,376
4. Program Direction.....	712	688	690	687	688	685
		36,872		32,915		34,015
5. Reception, Processing and Care.....	...	...	...	...	...	...
				27,177		27,854
						26,655
Total.....	10,604	10,342	10,483	10,698	10,479	10,709
		441,527		495,694		539,261
						513,605
						539,261
						22
						55
						25,656
						-1,199

Immigration and Naturalization Service
Summary of Resources by Program
(Dollars in thousands)

Estimates by Program	1982 as Enacted			1982 Actual			1983 Appropriation Anticipated			1984 Base			1984 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Enforcement:																		
Inspection.....	1,357	1,705	\$51,207	1,357	1,629	\$59,596	1,357	1,735	\$62,510	1,357	1,760	\$64,122	1,357	1,798	\$69,962	...	38	\$5,840
Border patrol.....	2,890	2,724	100,362	2,890	2,546	98,744	2,866	2,810	111,638	2,866	2,810	113,554	2,866	2,810	113,554	...	...	...
Investigations.....	1,092	856	37,719	1,092	876	37,139	1,029	793	40,672	1,029	793	42,284	1,029	793	42,284	...	...	...
Anti-smuggling.....	304	281	12,838	304	264	11,437	299	278	13,059	299	278	13,352	299	278	13,352	...	...	...
Detention and deportation.....	1,027	1,155	75,860	1,027	1,162	70,735	1,040	1,077	75,122	1,040	1,077	81,692	1,040	1,077	81,692	...	...	-10,000
Subtotal.....	6,630	6,701	279,506	6,630	6,477	277,651	6,591	6,693	303,001	6,591	6,718	315,213	6,591	6,756	311,035	...	38	-4,180
Citizenship and Benefits:																		
Adjudications and naturalization.....	1,161	1,167	36,849	1,161	1,173	36,221	1,143	1,151	38,904	1,143	1,151	40,616	1,143	1,151	40,616	...	...	...
Refugees and overseas.....	113	120	6,843	113	96	4,775	108	115	7,263	108	115	7,529	108	115	7,529	...	...	...
Subtotal.....	1,274	1,287	43,692	1,274	1,269	40,996	1,251	1,266	46,167	1,251	1,266	48,145	1,251	1,266	48,145	...	...	...
Immigration Support:																		
Training.....	51	50	4,751	51	52	4,043	61	60	5,181	61	60	6,378	61	60	6,378	...	...	...
Data and communications systems.....	163	157	27,011	163	126	31,283	161	159	26,556	161	159	27,394	161	159	27,394	...	...	...
Information and records management.....	1,248	1,296	26,782	1,248	1,206	25,909	1,245	1,313	29,094	1,245	1,288	30,496	1,245	1,288	31,305	...	...	10,809
Intelligence.....	25	25	1,498	25	27	1,220	26	25	1,574	26	25	1,614	26	25	1,614	...	...	...
Research and development.....	2	2	511	2	2	619	2	2	513	2	2	513	2	2	513	...	...	...
Construction and engineering.....	15	14	5,751	15	11	4,106	15	17	4,612	15	17	4,278	15	17	4,278	...	...	...
Field management and support.....	227	236	9,268	227	236	8,957	272	281	10,999	272	281	11,343	272	281	11,343	...	...	...
Legal proceedings.....	121	111	5,027	121	104	4,592	169	155	6,391	167	153	6,360	167	153	6,360	...	...	...
Judicial Review.....	136	148	5,670	136	142	5,279	40	40	1,514	40	...	...	...	...	...	...	...	...
Subtotal.....	1,988	2,039	85,289	1,988	1,908	85,008	1,951	2,052	95,434	1,949	1,985	98,376	1,971	2,002	119,391	...	22	31,015
Program Direction:																		
Executive direction and control.....	183	205	8,015	183	179	9,367	196	214	9,162	196	212	9,291	196	212	9,291	...	...	...
Administrative services.....	529	522	23,075	529	509	21,505	492	473	23,773	492	473	24,724	492	473	24,724	...	...	...
Subtotal.....	712	727	31,090	712	688	30,872	688	687	32,935	688	685	34,015	688	685	34,015	...	...	...
Reception, Processing and Care:																		
.....	...	...	...	...	...	...	...	...	27,177	...	...	27,884	...	...	26,655	...	...	-1,199
Total.....	10,604	10,754	440,557	10,604	10,342	441,527	10,483	10,696	495,694	10,479	10,654	513,605	10,501	10,709	539,261	22	55	25,656
Other Workyears																		
Holiday.....	1,744	1,744	...	1,744	1,744	...	1,729	1,729	...	1,728	1,728	...	1,728	1,728	...	...	...	...
Overtime.....	525	525	...	529	529	...	575	575	...	575	575	...	575	575	...	...	...	...
Administrative Uncontrollable Overtime	682	682	...	674	674	...	670	670	...	670	670	...	670	670	...	...	...	...
1931 Act Overtime.....	430	430	...	434	434	...	279	279	...	279	279	...	279	279	...	...	...	...
Total compensable workyears.....	19,135	19,135	...	19,723	19,723	...	19,951	19,951	...	19,951	19,951	...	19,951	19,951	...	...	...	...

Immigration and Naturalization Service
Justification of Program and Performance
 Activity Resource Summary
 (Dollars in thousands)

Activity: Enforcement	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease		
	Anticipated											
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Inspection.....	1,357	1,735	\$62,510	1,357	1,760	\$64,122	1,357	1,798	\$69,962	...	38	\$5,840
Border patrol.....	2,866	2,810	111,638	2,866	2,810	113,554	2,866	2,810	113,554	...	...	...
Investigations.....	1,029	793	40,672	1,029	793	42,294	1,029	793	42,294	...	...	...
Anti-smuggling.....	299	278	13,059	299	278	13,352	299	278	13,352	...	...	...
Detention and deportation.....	1,040	1,077	75,122	1,040	1,077	81,893	1,040	1,077	71,893	...	...	-10,000
Total.....	6,591	6,693	303,001	6,591	6,718	315,215	6,591	6,756	311,055	...	38	-4,160

This budget activity contains most of the resources dedicated to both preventing illegal entry into the United States and facilitating the entry of qualified persons. This includes inspection of applicants for admission, patrol of the border, and the location of undocumented aliens who are in the United States following illegal entry or violation of status after legal entry. Apprehensions are made through inspection of farms and ranches by investigation of information about the location of undocumented aliens and through investigative case work. Also included are the resources for the Service's nationwide anti-smuggling program, as well as the processing of undocumented aliens who have been located. Also included in this activity is the prompt removal of those aliens.

Activity: Enforcement	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease		
	Anticipated											
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Inspection.....	1,357	1,735	\$62,510	1,357	1,760	\$64,122	1,357	1,798	\$69,962	...	38	\$5,840

Long-Range Goal: To ensure that the entry of applicants for admission to the United States is controlled in a manner which is consistent with the national interest, facilitating the entry of qualified applicants, and identifying and denying the admission of those not qualified; to provide support to the Adjudications program by approving or denying applications and petitions for benefits which are sent to ports of entry for adjudication during stand-by time; and to issue Border Crossing Cards at the ports of entry.

Major Objectives:

1. To inspect in cooperation with other federal agencies all applicants for admission to the United States.
2. To facilitate the entry of qualified persons through ports of entry.
3. To prevent the entry of inadmissible applicants through ports of entry.
4. To adjudicate applications and petitions at ports to utilize inspector stand-by time.
5. To adjudicate applications for Border Crossing Cards presented at ports of entry.

Base Program Description: Applicants for admission to the United States are inspected at ports of entry to determine if they are qualified for admission; and if so, under what conditions. This process is coordinated with the Department of State, U.S. Customs Service, Department of Agriculture and local port authorities.

Cross-designated inspectors are utilized at both land borders and select air ports of entry under the dual inspection concept whereby the officers of each agency conduct the primary inspection required by all agencies. "Citizen By Pass," "One-Stop" inspection and foreign preclearance inspections have been developed in cooperation with the U.S. Customs Service and the Animal and Plant Health Inspection Service to facilitate entry for the traveling public and better utilize inspection resources at air ports of entry.

Determinations of inadmissibility are based on examination of the applicant, relative documents or prior information. Local and national lookout systems containing information relating to excludable aliens are available for use at each port of entry. Required documentation is examined to determine its validity and relationship to the applicant. Inadmissible aliens are denied entry to the United States. Any criminal activity discovered in the inspection process is referred for appropriate investigation.

Applications and petitions for a full range of benefits under the immigration law are adjudicated during periods of stand-by time at many ports during non-peak workload hours.

Applications for Border Crossing Cards are presented directly to ports located on the United States/Mexican border, and are adjudicated and issued by inspection personnel at these locations.

Accomplishments and Workload: Accomplishments of the Inspections program are presented in the following table:

Item	Estimates		
	1981	1982	1983
Persons inspected port of entry.....	313,720,305	301,918,399	306,300,000
Persons inspected pre-inspection.....	7,361,012	7,146,355	7,700,000
Inadmissible aliens intercepted - port of entry.....	646,924	533,063	585,000
Inadmissible aliens intercepted - pre-inspection.....	11,202	11,073	12,000
Remoted adjudications completed.....	798,103	788,875	770,000
Border crossing cards issued.....	224,409	228,574	230,000

For 1982, the Inspections program absorbed both a reduction in its authorized force and in its overtime funding while the work load continued at the 1981 level. Aggressive management action was taken by the INS to maintain its commitments in an atmosphere of acute austerity. A revision of overtime scheduling, assignment procedures and increased utilization of temporary employees reduced overtime expenditures by \$1.3 million in 1982.

To help determine an appropriate procedure to facilitate inspection and maintain enforcement, the INS conducted, in cooperation with the U.S. Customs Service and the Department of Agriculture, the Accelerated Specialized Inspectional System Test (ASIST) at the Los Angeles and Miami airports. This innovative inspection procedure, utilizing cross-designated officers, proved successful in facilitating the inspection of arriving passengers, and will be expanded to other major airports. The INS was also able to maintain the 1981 completion levels of remote adjudications and issuance of Border Crossing Cards.

Program Changes: The 1984 request for this program includes \$5.2 million to meet the 1931 Act overtime expenditures and \$640,000 to allow the INS to open a new port of entry at Otay Mesa, California.

In 1982, the Inspections program was reduced by \$5.2 million for the 1931 Act overtime. This reduction was based on the assumption that the Overtime Act of 1931 would be repealed and replaced by an amended version. Since there is no indication that this new legislation will be enacted soon, overtime compensation for inspectors will continue to be paid at the higher rate under the 1931 Act.

Thirty-eight workyears and \$640,000 are also requested to man a new port of entry at Otay Mesa, California. It will be a major land border port with an anticipated 20 million persons applying for admission annually. The construction of the port facility is expected to be completed before the end of 1983. These additional staff will also help process increased workload expected from the Olympics.

1983 Appropriation Anticipated	1984 Base		1984 Estimate		Increase/Decrease	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
Border patrol.....	2,866	\$111,638	2,866	\$113,554	2,866	\$113,554
				

Long-Range Goal: To ensure that the entry of persons into the United States between ports of entry is controlled in a manner which is consistent with the national interest as established and provided by Congress, by preventing entry without inspection and by detecting and apprehending illegal aliens within the United States.

Major Objectives:

1. To deter uncontrolled entry into the interior of the United States by the rapid detection, interception and apprehension of illegal entrants before movement to the interior can be achieved.
2. To substantially reduce the undocumented alien population currently in the interior of the United States and deter other potential entrants from attempting entry.

Base Program Description: The Border Patrol operates through five major program activities:

1. Linewatch is the primary border activity. The prevention of entry or the immediate apprehension of entrants is one method of accomplishing this objective. While only officers are capable of making apprehensions, the detection of illegal entrants is now enhanced by a broad array of technological advances.
2. Once an illegal entry has been made, successful entrance into the interior is restrained by:
 - a. Maintenance of traffic check coverage on major routes of travel, and
 - b. Full-time surveillance of public transportation systems and freight trains departing the immediate border areas.
3. Farm and ranch checks.
4. City patrol.
5. Other activities - crewman controls, other agency apprehensions and coastal patrol. Still another activity is sign cutting, the tracking of aliens who have crossed surreptitiously or attempted to evade apprehension through line watch or traffic check operations.

Accomplishments and Workload: Accomplishments of the Border Patrol program are presented in the following table:

Item	Estimates		
	1981	1982	1983
Deportable aliens located.....	825,290	819,919	910,000
Smuggled aliens apprehended.....	89,455	80,350	98,000
Smugglers apprehended.....	12,643	11,777	13,900

Although Border Patrol has traditionally used apprehensions as a measure of productivity, they are more a measure of activity than productivity. Theoretically, the number of apprehensions would approach zero as the Border Patrol attains its long-range goal of precluding or deterring entry. However, as long as the Border Patrol is required by the number of illegal entrants to continue its reactive rather than preventive posture, apprehensions will continue to be the best measure of goal accomplishment. Projected apprehensions are based primarily on 1981 apprehensions per workyear.

The current economic crisis in Mexico, described by the New York Times as the worst in memory, has already resulted in three devaluations of the peso and commitments to austerity measures which will lead to greater unemployment. Apprehension figures for the months of August through December were higher than at any time in the past thirty years. Unless economic conditions in Mexico improve substantially in the near future, apprehensions will rise above the figures presented in the estimate.

The Border Patrol has become a leader in the application of technology of detection and apprehension of surreptitious entrants. Equipment currently in use includes unattended ground sensors, active and passive infrared systems, as well as closed circuit, low light level televisions. Plans are being developed for the possible use of airborne, forward looking infrared systems; a remote controlled microwave transmission system; and improved night vision devices.

The Border Patrol is cooperating fully with the INS Research and Development Branch and the Data and Communications Systems Division in its technological development. As a part of this effort, a computerized simulation of operations at Chula Vista, California and El Paso, Texas was developed. Results of the simulation analysis indicated that effectiveness could be substantially improved by the addition of closed circuit low light televisions at El Paso, and the addition of improved passive infrared systems at Chula Vista. Funds for a test of low light level televisions are included in the Research and Development budget, and preliminary work has begun. A test of the improved infrared devices was begun in October, 1982 and is scheduled for completion in February 1983. Preliminary results are favorable and \$600,000 for the purchase of this equipment is request under the Data and Communications Systems program.

Effectiveness has also been enhanced by the use of helicopters, horses, all-terrain vehicles and other improvements in an effort to maximize the efficiency of Border Patrol officers. Efforts are being made to add additional support positions, thereby freeing officers for patrol work and reducing personnel costs.

Mechanisms for collecting and analyzing performance data are being improved, and long range plans for automated compilation and transmission of data have been made. These changes are expected to improve management and speed up the reaction to changing trends in illegal entry.

1983 Appropriation Anticipated

	1983 Anticipated		1984 Base		1984 Estimate		Increase/Decrease	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
Investigations.....	1,029	793 \$40,672	1,029	793 \$42,294	1,029	793 \$42,294	...	...

Long-Range Goal: To locate illegal aliens who are gainfully employed in the United States; to arrest aliens and U.S. citizens who indulge in various violations of the Immigration and Nationality Act; and to establish evidence which will assist in prompt and equitable decisions concerning petitions and applications for immigration benefits. In-depth investigative techniques are employed to find the illegal aliens who have assimilated into society by means of fraud or other illegal activities. The ultimate goal of the Investigations program is to amass sufficient evidence to criminally prosecute and/or remove the illegal alien from the United States.

Major Objectives:

1. To locate and apprehend illegal aliens through area control activities, with special emphasis on those who are presently employed in high paying jobs.
2. To complete investigations resulting in the possible prosecution of aliens who have gained entry into the United States using visa fraud or other irregularities, or who are members of classes such as criminal, immoral, narcotic, subversive or terrorist.
3. To seek convictions of U.S. Code violations.
4. To take the lead with other branches of the INS in carrying out the agency's responsibilities (Examinations with regard to visa irregularities and fraud, and Detention and Deportation with regard to expulsion).
5. To cooperate with other federal, state and local law enforcement and regulatory agencies to enforce regulatory and criminal laws. This coordination will be increased to provide further disincentives for the illegal aliens to remain in the United States.
6. To determine whether grounds exist for revocation of naturalization, exclusion, deportation or ineligibility for INS benefits to those individuals who may be in the criminal, subversive or terrorist classes.
7. To investigate persons suspected of fraudulent acts who try to enter, remain or assist others to enter the United States illegally.
8. To support the Adjudications and Naturalization programs as well as the U.S. Consular Offices in processing visa applications to preserve the integrity of the application and petition process, and provide an effective deterrent to abuses of the process.

Base Program Description: The principal effort of the Investigations program is the detection and apprehension of illegal aliens who have entered and obtained employment in the interior of the United States. Consistent with the INS Mission Plan, special emphasis is placed on those illegals who are employed in high paying jobs which are attractive to unemployed U.S. citizens and lawful resident aliens. Activities include liaison efforts with state and local police departments, liaison with federal, state and local regulatory and service agencies and assistance to cooperative employers, state and local agencies and public interest groups in the interior of the country.

Field components establish and lead multi-agency efforts against employers who are significant and notorious users of labor by aliens in illegal status. These efforts are planned and directed to achieve the greatest netative economic impact on those employers who utilize such labor. This impact will be effected both through the INS' function of apprehending and removing the illegal alien work force as well as enforcement of associated employment-related statutes (tax, wage and hour and safety) by other agencies. In leading such operations, the INS, through the media and in contacts with interested citizens groups, promotes exposure of the adverse consequences to employers who regularly engage in hiring illegal alien laborers.

Investigations casework includes fraud, criminal, immoral, narcotic, subversive, terrorist and other investigative cases. In addition, this activity includes searching for and apprehending aliens who have absconded to avoid deportation or exclusion proceedings. If a decision is made that a case should be opened, it is assigned to an investigator. The investigator proceeds to investigate the case using established procedures to collect evidence to determine if a violation of law has occurred. These procedures may include interviews with witnesses and subjects, contact with informants to gain intelligence, use of consensual monitoring or physical surveillance, collection and analysis of physical evidence, contact with state or local law enforcement agencies, and undercover operations. If a case involves a violation under the jurisdiction of another Federal law enforcement agency, the investigator contacts the appropriate office and coordinates further investigations of the case. In some instances, the case may be referred to another agency completely.

Time limits are imposed on certain cases of high priority or special interest. If the investigator concludes that there is sufficient evidence to substantiate the violation, an investigative report is prepared and the case is presented for appropriate INS proceedings and/or to the U.S. Attorneys for prosecution.

Accomplishments and Workload: Accomplishments of the Investigations program are presented in the following table:

Item	Estimates	
	1981	1982
Cases pending beginning of year plus receipts.....	161,167	112,838
Investigations completed.....	51,491	40,198
Completed per funded workyear.....	88	83
Area control apprehensions.....	93,210	104,206
Apprehensions per funded workyear.....	273	263
	285	297

The Investigations program apprehended 104,206 aliens through Area Control operations in 1982. This was an increase of 10,976 over 1981. Part of this increase can be attributed to the allocation of an increasing portion of the force to Area Control operations.

INS investigators participated in the Project Jobs Task Force in the spring of 1982. This task force was designed to remove illegal aliens from high paying jobs that are attractive to unemployed U.S. citizens. The nine cities that were targeted to participate in the project were selected based on the rate of unemployment in the area as well as on intelligence data which confirmed the presence of large concentrations of illegal aliens. Over 5,000 employed aliens earning in excess of \$50 million on an annual basis were apprehended during this concentrated effort.

Pending caseload decreased from 63,394 at the beginning of 1982 to 49,444 at the beginning of 1983. This was accomplished by a concerted effort to administratively close cases that had little or no probability of ever becoming productive. More manpower will be able to be devoted to pending cases that have merit and will produce both short and long-range benefits. The concept of administratively closing these unproductive cases will continue in 1983 and 1984.

	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Anti-smuggling.....	299	278	\$13,059	299	278	\$13,352	299	278	\$13,352	...	...	...

Long-Range Goal: To reduce the number of illegal aliens in the United States, and to prevent the entry of unqualified persons by detecting and successfully prosecuting those individuals involved in the smuggling and transportation of aliens.

Major Objectives:

1. To identify smugglers of aliens.
2. To investigate and apprehend smugglers of aliens, concentrating resources on major violators.
3. To prepare sufficient evidence to support the U.S. Attorneys in obtaining convictions of smuggling violators.
4. To increase deterrent efforts such as conveyance seizures, extraterritorial prosecutions, fines and sentences.

Base Program Description: In this specialized activity under the Enforcement Branch, INS has played an important role in the arrest and successful prosecution of persons engaged in smuggling and transporting illegal aliens into the United States. Formed in 1978 in response to the rapidly increasing influx of illegal aliens and the greater sophistication of those persons who illegally transport aliens into the United States for pay, the office of Anti-Smuggling concentrates on the

identification, infiltration and destruction of organized alien smuggling operations. INS has devised a classification system to assist Anti-Smuggling officers in categorizing smugglers as major violators, lower-level violators, or nonprofessional smugglers of household employees and relatives.

Nearly 300 Anti-Smuggling officers are deployed nationwide. Over the past four years, the INS Anti-Smuggling program has been responsible for apprehending over 61,000 smugglers, of which nearly 18,000 have been authorized for prosecution. In 1982, over 82 percent of prosecuted smuggling-related cases resulted in convictions. Under a recently enacted law permitting the seizure and forfeiture of conveyances used in the smuggling of aliens, Anti-Smuggling officers have seized nearly 10,000 conveyances valued at over \$29 million.

The Anti-Smuggling program works closely with the U.S. Attorneys and with Canadian and Mexican officials. The Mexican Government has assigned special units at interior road checks in Mexico resulting in the apprehension of a number of Central American aliens before they reach the U.S. border.

Accomplishments and Workload: Accomplishments of the Anti-Smuggling program are presented in the following table:

Item	1981	1982	Estimates	
			1983	1984
Smuggling principals apprehended.....	13,939	12,473	15,600	17,000
Cases received.....	9,988	6,907	8,000	9,500
Cases completed.....	10,305	6,581	7,239	8,500
Prosecutions presented:				
Category I.....	356	481	600	700
Category II.....	229	210	300	400
Category III.....	7,761	5,540	6,200	6,500
Category IV.....	997	580	700	700
Prosecutions authorized:				
Category I.....	322	454	540	650
Category II.....	206	185	260	350
Category III.....	6,368	4,969	5,800	6,000
Category IV.....	109	102	600	600
Convictions:				
Felony.....	1,200	963	2,000	3,000
Misdemeanor.....	4,707	3,742	5,200	5,300
Sentences (Months - all charges).....	19,526	17,815	20,000	22,000
Conveyances seized.....	2,869	5,164	6,000	7,000

Anti-Smuggling officers played significant roles in the arrest, indictment and prosecution of a number of alien smugglers. In 1982, 12,473 smugglers were apprehended. Anti-Smuggling officers presented 6,811 cases to the U.S. Attorneys and 4,705 smugglers were convicted resulting in sentences totaling 17,815 months. Also during 1982, 5,164 conveyances were seized with an appraised value of approximately \$12.6 million. The most successful conspiracy investigation in the history of the Anti-Smuggling program occurred in 1982 with the smashing of an alien smuggling ring, that had brought an estimated 24,000 persons into the U.S. over a four-year span. Using sophisticated investigative techniques, anti-smuggling unit investigators and other INS personnel from Illinois, Texas and New Mexico have thus far succeeded in bringing indictments against 38 principals in the organization, with more arrests anticipated.

	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease	
	Anticipated			Perm.			Perm.			Perm.	
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY
Detention and deportation.....	1,040	1,077	\$75,122	1,040	1,077	\$81,893	1,040	1,077	\$71,893	...	...
											-\$10,000

Long-Range Goal: To adequately detain until ready for removal those aliens subject to deportation proceedings who are likely to abscond or whose freedom at large would clearly represent a danger to public safety and security. To maintain and further develop a system of control which ensures that every case involving a deportable alien is processed expeditiously and, when appropriate, the alien's removal from the United States is effected.

Major Objectives:

1. To effect the removal of deportable and excludable aliens to the greatest extent possible without detention.
2. To adequately staff and maintain five INS Service Processing Centers to ensure that alien detention capability is available.
3. To detain aliens when necessary in non-INS facilities which meet INS standards.
4. To ensure the prompt removal of apprehended aliens who are found to be expellable from the United States.
5. To allow apprehending activities to operate at full capacity by maintaining a parity of removal capability.
6. To maintain and modernize the docket control system necessary to cope with the increasing number of apprehended illegal aliens.

Base Program Description: The Detention program maintains five permanent Service Processing Centers. These centers are located in Brooklyn, NY; Krome North, Miami, FL; El Paso and Port Isabel, TX; and El Centro, CA and have a combined detention capacity for about 1,950 illegal aliens. These facilities are responsible for providing detention capability to support INS' apprehending activities -- Border Patrol, Investigations and Anti-Smuggling. Each of these facilities is operated by

a staff of immigration detention officers, medical personnel and recreation specialists. The immigration detention officers are responsible for all matters relating to the care and custody of the aliens detained. In addition to the five permanent SPCs, a temporary alien detention facility in Fort Allen, Puerto Rico was operated throughout much of 1982 for the detention of excludable Haitians. An INS/Public Health Service facility at St. Elizabeth's Hospital in Washington, D.C. for the detention of mentally ill Cubans is now operational. INS continues to maintain a number of Service Staging Areas (SSA) for the temporary holding of apprehended aliens.

It is often cost-effective for the Detention program to use non-INS detention facilities. Approximately 900 of these non-INS facilities throughout the United States were used in 1982. About 37 percent of the aliens detained were detained in non-INS facilities. The INS will continue to utilize non-INS detention facilities as much as possible to enhance its detention capability. Unfortunately, detention space in state and local jails has declined. The INS has also recently developed detention standards with the assistance of the Bureau of Prisons. Some facilities previously utilized no longer meet these specifications.

The Detention program and the Investigations, Border Patrol and Anti-Smuggling activities are interdependent in that (1) Detention is reliant upon the other three to apprehend the aliens to be detained; and (2) the Investigations, Border Patrol and Anti-Smuggling activities must be paced to the availability of detention space.

The Deportation program accomplishes the removal of illegal aliens under either voluntary departure procedures or formal deportation proceedings. The major responsibilities of immigration deportation officers include the supervision of aliens while under bond, released on their own recognizance or in detention. Additional responsibilities include maintaining liaison with the Department of State and foreign governments to obtain travel documents and effect deportations or removals expeditiously.

An alien removal capability is provided by various methods. The INS operates its own fleet of passenger vans and buses to transport aliens. In addition, an alien travel fund is maintained to cover the transportation expenses of those aliens expelled at U.S. Government expense. In 1982, over 30 percent of the aliens expelled incurred travel costs. The government paid all or part of the travel costs in over 81 percent of the cases where travel costs were incurred.

Accomplishments and Workload: Accomplishments of the Detention and Deportation program are presented in the following table:

Item	Estimates		
	1981	1982	1983 1984
Detention:			
Aliens detained.....	268,581	229,135	273,000 278,000
Man-days of detention.....	970,440	1,046,799	873,600 778,000
Average stay in detention (mandays).....	3.6	4.6	3.2 2.8

Estimates

1983 1984

Item

Expulsion:			
Aliens expelled.....	837,011	823,731	897,000
Voluntary departures under docket control.....	46,676	44,796	49,800
Voluntary departures not under docket control.....	773,681	764,781	829,400
Deportations effected.....	16,654	14,154	17,800
Aliens expelled at U.S. Government expense.....	187,164	202,654	221,000
Deportable aliens located, percentage expelled.....	87.8	87.8	86.0
Expelled aliens, percentage detained.....	32.1	27.8	30.6
Recognition, bond and supervision:			
Aliens released on recognizance.....	965	2,870	3,200
Aliens placed on bond.....	13,216	24,459	30,000
Aliens placed under supervision.....	337	145	500

During 1982, the apprehending arms of the INS located 938,105 deportable aliens. Of these, 87.8 percent were expelled by the Deportation program either by deportation, voluntary departure under alternate orders of deportation, or by voluntary departure not under docket control.

The Cuban and Haitian entrants have had an important impact on the Detention and Deportation program. The INS was at one time detaining approximately 2,000 Haitians and over 1,400 Cubans. Detention operations have had to adjust and expand to meet these developments. The following are some of the program's accomplishments in these areas.

- In 1982, a Federal District Judge ordered the INS to begin a parole program for those Haitians who were in detention as of the date of the order and who had arrived in the Southern District of Florida on or after May 20, 1981. INS worked with the Office of Refugee Resettlement and voluntary agencies to identify individual sponsors for the Haitians. By October 1982, all eligible class members had been paroled. The population at the Krome North SPC was temporarily reduced due to the parole program, and INS was able to begin an extensive renovation of that facility. Normal operations have been resumed although the facility is largely populated by other than Haitians.
- The majority of Cubans are being detained at the Federal Correctional Institute at Atlanta, Georgia. A permanent staff of INS personnel is now on duty at the FCI. The INS has participated in the the Attorney General's Cuban Review Panels which have been conducted to determine whether or not these aliens should be released.
- A permanent detention facility has been established at St. Elizabeth's Hospital which can house up to 80 alien mentally ill patients. In August 1982, 28 Cubans were transferred to the newly renovated space. A core staff of INS officers, supplemented by guards, has been established at St. Elizabeth's to provide custody and care of its detainees.

INS has continued to implement the detention standards for Service Processing Centers which were developed in 1981. In conjunction with these standards, Phase II renovations at the Port Isabel SPC were completed.

The Detention and Deportation program has participated in project planning for the Deportable Alien Control System (DACS). Docket conversion from manual to automated was completed in San Diego, and in the El Centro SPC, the sites selected for pilot system implementation.

Program Changes: A program decrease of \$10 million is proposed for the Detention and Deportation program. These funds had previously been utilized for the operation of the Fort Allen alien detention facility which is now in a phase-down mode.

Activity: Citizenship and Benefits	1983 Appropriation Anticipated			1984 Base			1984 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount

Adjudications and naturalization.....	1,143	1,151	\$38,904	1,143	1,151	\$40,616	1,143	1,151	\$40,616	...	...	...
Refugees and overseas.....	108	115	7,263	108	115	7,529	108	115	7,529	...	...	...
Total.....	1,251	1,266	46,167	1,251	1,266	48,145	1,251	1,266	48,145	...	...	...

The resources necessary to provide the benefits of the Immigration and Nationality Act are provided in this activity. Included are the adjudication of applications and petitions submitted for benefits, and the processing of naturalization and citizenship petitions and applications. All operations conducted overseas except preinspection are within this activity.

Activity: Citizenship and Benefits	1983 Appropriation Anticipated			1984 Base			1984 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount

Adjudications and naturalization.....	1,143	1,151	\$38,904	1,143	1,151	\$40,616	1,143	1,151	\$40,616
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Long-Range Goal: To provide for the timely adjudication of applications and petitions for benefits provided by law, and to encourage, facilitate and provide the timely naturalization of all eligible applicants.

Major Objectives:

1. To give prompt responses to those who seek benefits under the Immigration and Nationality Act.
2. To give legally correct responses to those who seek benefits provided for by the Congress.

3. To reduce the projected 1984 volume of pending adjudications cases to within an acceptable range of 120,000 to 160,000 cases. This equates to an average of three to four weeks' receipts.
4. To notify naturalization applicants of arrangements for their preliminary hearings within two months of receipt of their applications.
5. To reduce the projected 1984 volume of pending naturalization and citizenship applications to within an acceptable range of 80,000 to 100,000 cases. This equates to an average of three to four months of receipts.

Base Program Description: The Adjudications program--The principal statutory authorizations that this program administers are Sections 203, 204, 205, 212, 214, 245, 248 and 249 of the Immigration and Nationality Act. The purpose of the program is to provide prompt decisions to persons seeking benefits, detect fraudulent applications and maintain control over aliens when necessary.

The Naturalization program--Article I, Section 8, Clause 4 of the U.S. Constitution mandates the establishment of a "uniform Rule of Naturalization." The Congress, in compliance with its Constitutional mandate, has specified in Sections 301 through 360 of the Immigration and Nationality Act of 1952 (8 U.S.C. 1401 through 1503) the means by which an alien may become a U.S. citizen. It vests exclusive jurisdiction to naturalize in certain federal and state courts. It also reserves to the Attorney General the authority to prescribe the nature and scope of the examination of petitioners for naturalization as to their admissibility to citizenship and to make appropriate recommendations to the naturalization courts. This authority in Section 332 of the Act (8 U.S.C. 1443) is exercised through INS employees designated by the Attorney General to administer the naturalization laws.

Accomplishments and Workload: Accomplishments of the Adjudications and Naturalization program are presented in the following table:

Item	1981	1982	Estimates	
			1983	1984
Adjudications cases received.....	1,885,203	2,075,250	1,900,000	1,900,000
End of year pending.....	314,536	234,280	300,000	300,000
Adjudications completed within the program.....	1,769,554	1,975,512	1,800,000	1,800,000
Adjudications completed using Immigration Inspector standby time at ports of entry.....	798,103	688,157	700,000	700,000
N-400 and N-600 received.....	313,287	320,600	310,000	310,000
N-400 and N-600 completed.....	272,104	331,635	294,000	294,000
N-400 and N-600 pending at the end of the year.....	183,480	190,037	216,000	232,000
Persons naturalized.....	174,462	183,507	175,000	175,000
Certificates issued.....	26,857	28,302	25,000	24,000

Adjudications--Since 1977, there has been a steady productivity increase for this program. In 1977, 1.23 cases were completed per productive hour; while in 1982, this figure was 2.00. This represents a 62 percent overall productivity increase. The main reason for this improvement has been continued success in lowering the hours expended completing adjustment of status cases. These cases are not only INS' most important cases, but they are also the most time-consuming.

Because of the increasing efficiency of the program, the pending caseload in September 1982 was 234,000 which equates to six weeks' receipts. As INS' goal is to process all cases within three to four weeks, the backlog as of the end of September was 74,000 cases, which equates to approximately two weeks receipts.

Another planned management action that has had a positive impact has been the implementation of the Up-Front Adjudications. Under this procedure, a substantial number of cases are adjudicated immediately upon receipt at the INS service counters. It has been found that this type of responsive processing has reduced handling costs, complaints, and status inquiries. The INS calculates that by combining this innovative program with other improvements, it will continue to achieve a 10 percent productivity improvement each year.

Naturalization--In the past few months, production has increased in this program. This was caused by the recent enactment of the INS Efficiency Act of 1981 (P.L. 97-116) on December 29, 1981. This Act eliminated INS' need to interview two witnesses for every naturalization applicant. As of the end of September 1982, the pending figure was 190,037 cases. An acceptable range of cases for this program is 80,000 to 100,000 cases which equates to between three and four months' receipts. The INS is hopeful that some of the 90,000 to 110,000 case backlog can be reduced using the productive hours saved by this recent legislation.

Part of the naturalization examiner workforce was transferred to the Legal Proceedings program and the resulting vacancies are being converted from attorney to non-attorney positions. In addition, a number of attorney-occupied positions were reprogrammed to Legal Proceedings to work on the legal needs of the INS.

	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease	
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY
Refugees and overseas.....	108	115	\$7,263	108	115	\$7,529	108	115	\$7,529	...	...
Long-Range Goal: To approve qualified applicants for refugee status and for admission into the United States; to adjudicate petitions and applications for benefits under the Immigration and Nationality Act; and to verify claims on applications and petitions by conducting immigration investigations.											

Major Objectives:

1. To approve for admission into the United States qualified refugee applicants.
2. To adjudicate applications and petitions for benefits under the Immigration and Nationality Act.
3. To receive and verify information concerning immigration matters.
4. To detect fraud and prevent violations of the Immigration and Nationality Act.

Base Program Description: Section 207(c)(1) of the Immigration and Nationality Act, as amended by the Refugee Act of 1980, places the responsibility for the selection, admission and adjustment upon the Attorney General. It is necessary that the screening and selection process be accomplished abroad as contemplated by the Act. To do otherwise will abrogate the procedural intent of the law. In addition, it is extremely difficult and very costly, if indeed possible, to expel unqualified aliens from the United States. INS provides valuable advice to consulates abroad and offers an investigative capability.

The INS currently maintains and staffs overseas offices in Europe, Mexico, Uruguay and Asia. Applicants seeking refugee status are processed for admission to the United States within numbers established by the President and Congress. Applications and petitions received within the jurisdiction of the overseas office are processed at that location. Inquiries concerning immigration matters are received, and investigations are conducted to secure and verify requested information. A continuing effort is made to detect fraud and prevent violations of the Immigration and Nationality Act. Program activities are coordinated with the Department of State and voluntary agencies.

Accomplishments and Workload: Accomplishments of the Refugees and Overseas program are presented in the following table:

Item	1981	1982	Estimates	
			1983	1984
Refugees approved for entry.....	158,531	61,534	90,000	120,000
Adjudications completed.....	59,019	67,235	69,000	72,000
Investigation cases completed.....	3,906	4,570	4,500	5,300

While only 35,159 refugees were authorized to enter the United States in 1978, the number grew to 133,057 in 1979, 231,700 in 1980 and 158,531 in 1981. The overseas offices are responsible for processing all applicants for refugee status which includes determining who is a refugee and their eligibility for admission to the United States under the Immigration and Nationality Act. The reasons for denials can be: (1) failure to meet the definition of "refugee" and (2) determination of inadmissibility.

In addition to refugee processing, much of the overseas offices work involves the adjudications of applications and petitions for benefits under the Immigration and Nationality Act and the conduct of case studies (investigations). The majority of adjudications are visa petitions filed by U.S. citizens and lawful permanent residents and applications for waivers on grounds of admissibility. In 1981, the overseas offices completed over 59,000 such cases.

Case studies are field investigations requested by state-side INS offices to verify occupations and work experience claimed by potential beneficiaries of the Immigration and Nationality Act. Nearly 4,000 were completed by overseas offices in 1981. A substantial number verified fraud, resulting in denial of the benefits sought and grounds for deportation.

Activity: Immigration Support	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease		
	Anticipated			Perm.			Perm.			Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Training.....	61	60	\$5,181	61	60	\$6,378	61	60	\$6,378	...	...	...
Data and communications systems	161	159	26,556	161	159	27,394	183	176	47,600	22	17	\$20,206
Information and records management.....	1,245	1,313	29,094	1,245	1,288	30,496	1,245	1,288	41,305	...	...	10,809
Intelligence.....	26	25	1,574	26	25	1,514	26	25	1,614	...	...	...
Research and development.....	2	2	513	2	2	513	2	2	513	...	...	...
Construction and engineering...	15	17	4,612	15	17	4,278	15	17	4,278	...	...	...
Field management and support...	272	281	10,999	272	281	11,343	272	281	11,343	...	...	...
Legal proceedings.....	169	155	6,391	167	153	6,360	167	153	6,360	...	...	...
Judicial review.....	...	40	1,514	...	...	...	...	...	...	...	...	...
Total.....	1,951	2,052	85,434	1,949	1,985	88,376	1,971	2,002	119,391	22	17	31,015

This activity includes the resources for construction, communications, records management, automated data processing, training of personnel, research and development, field management, legal proceedings and the alien documentation program (ADIT). In addition, it provides a capability to scientifically examine and analyze documents to assist in the identification, investigation and prosecution of major conspiracies which provide fraudulent documents to smuggled aliens.

Activity: Immigration Support	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease		
	Anticipated			Perm.			Perm.			Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Training.....	61	60	\$5,181	61	60	\$6,378	61	60	\$6,378	...	...	...

Long-Range Goal: To establish and maintain an employee development system that meets the needs of management and individual employees, and complies with regulatory requirements.

Major Objectives:

1. Servicewide Operations Training:

- a. To provide basic training for all new recruits to the officer corps positions.
- b. To provide advanced technical training primarily for the Journeyman officer corps personnel.
- c. To maintain updated curricula for the basic and Journeyman officer corps training programs.

2. Servicewide Support Training:

- a. To provide a servicewide training program for INS supervisors, managers, management officials and executives.
- b. To provide servicewide technical training programs to meet requirements not satisfied by in-service programs.

3. Other Training:

To provide training for organizational or individual requirements that are not accomplished through national or service-wide programs.

Base Program Description: INS' training requirements are identified annually and are revised during the year as dictated by new regulations, legislation or organizational needs. Actual training is accomplished by in-service training programs using INS instructors; training programs conducted by other agencies, private firms or in combination. In-service training programs are primarily related to specific INS subjects. Following is a brief description of the activities:

Servicewide Operation: This program element is responsible for law enforcement and other operations training (basic and advanced) delivered to the officer corps personnel and any other employees directly involved in servicewide operations (e.g., contact representatives, deportation docket clerks, trial attorneys, and immigration judges). These programs occur primarily at the Officer Development Training Facility (ODTF) in Glynnco, Georgia. Included under this activity are the positions permanently assigned to and the general administrative costs at the ODTF.

Servicewide Support: This program element is responsible for (1) the development and implementation of technical training programs for executive, management, supervisory, clerical and administrative employees; (2) the technical training not conducted at the Officer Development Training Facility for all other occupational groups; (3) the development of policies and procedures regarding employee development; (4) the determination of validity, effectiveness and efficiency of all INS-wide training programs (including operations training); (5) the evaluation, consultation, research and implementation of new training techniques to improve curriculum; (6) the formulation and execution of the INS budget for training. Included in this activity are the positions permanently assigned to the Central Office (excluding the officer training) and the resources for all Servicewide support training.

Other Training: The purpose of this program element is to provide for the specialized training and development needs of employees in Central Office and the regions. These needs have primarily individual or local implications which are not presently appropriate for Servicewide programs. These programs are conducted either locally, in-house or by external sources. Included in this program element are the training officer and support positions permanently assigned in the Central and regional offices. Also included are those resources needed to cover tuition costs, travel and per diem.

Accomplishments and Workload: Accomplishments of the Training program are presented in the following table:

Item	1981	1982	Estimates	
			1983	1984
Border patrol basic.....	269	138	240	240
Immigration officer basic.....	68	...	200	240
Journeyman officer training.....	383	495	250	460
Detention officer basic training.....	...	102	160	120
Basic supervisory development.....	192	187	216	216
Management development.....	263	168	200	200
Executive development.....	20	7	30	30
Extension training.....	3,076	1,369	1,400	1,400
Contact representatives and docket clerks.....	172	59	100	100
Regional/Central Office training.....	53	74	20	20
Occupational surveys for project course review.....	2	2	...	1

During 1981 and 1982, 1,455 INS employees received basic or advanced officer training. Basic training programs for border patrol and immigration officer trainees are 14-17 week programs. A revised 7-week basic program was implemented in 1981 for detention officers and 102 detention officers completed the training. An occupational analysis survey is currently in process to further insure that the program meets the field requirements for detention officers. To further update the Immigration Officer basic training curricula, an occupational analysis survey was conducted for two occupational groups that attend this program (Immigration Inspectors and Immigration Examiners). Also, the Spanish language and law portions of this program were credited with college level equivalency by the American Council of Education. A Spanish course was conducted for the Bureau of Prisons personnel to assist them in their responsibilities for Cuban Refugees detained at Atlanta, Georgia. The Servicewide technical program for contact representatives and deportation docket clerks was also updated and conducted for 231 individuals.

The first INS national basic supervision course was developed in 1981, and 379 first-line supervisors attended the program. An INS development program for middle managers and management officials was also implemented and 431 training courses were completed.

Specialized training was also provided for immigration officers from Nigeria, Botswana, Korea and Bahrain.

In addition to assisting with the coordination of national programs, the Central Office and regional training officers provided training for 4,118 INS employees to meet special and local training requirements.

During this period, INS has been able to provide the minimum essential training for employees in virtually all occupational groups within the Service.

	1983 Appropriation Anticipated			1984 Base			1984 Estimate			Increase/Decrease	
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY
Data and communications systems	161	159	\$26,556	161	159	\$27,394	183	176	\$47,600	22	17
											\$20,206

Long-Range Goal: To increase the efficiency and effectiveness of INS operational, administrative and management functions by providing the optimal level of data automation support; to provide the modern data communications required to support all INS information needs; to produce and issue alien identification documents; and to provide radio and electronics equipment and systems required by the INS to support its service and enforcement functions.

Major Objectives:

ADP Systems--

1. To operate and maintain current systems: Master Index System (MIS), Nonimmigrant Document Control System (NIDCS), Financial Management Information System (FMIS), Service Lookout Book, Statistical Reporting System (SRS) and several small-scale systems until such time as they are upgraded or superseded in accordance with the provisions of the ADP plan.
2. To operate and maintain new ADP plan-based systems and databases which will have been developed in 1982 and 1983: Central Index, Nonimmigrant Information System (NIIS), Alien Registration Card database, two interim systems (Deportable Alien Control System, Naturalization and Citizenship Casework Support), and Fleet Management and Budget databases.
3. To support the competitive acquisition of computer hardware, software, communications facilities, and support services: The comprehensive effort designed to address this objective, the Equipment Acquisition Project deals with the information technology requirements of the agency as a whole, with a specific focus during 1984 on the larger districts, ports of entry, Border Patrol sector headquarters and selected suboffices and file control offices.
4. To initiate the development of new databases: These will address priority INS information requirements in accordance with the ADP plan. Included are: Applications in Process, Applications and Petitions History, Violators/Smugglers, Schools, Workload Input/Output, and Alien File Tracking.

Data Communications--

To operate a data communications network and the Immigration and Naturalization Service Interim Network Communications (INSINC). This will provide the INS field offices with inter-office data communications and remote access to centralized data bases and computing resources with the capability to expand to support new applications contained in the Long Range ADP Plan.

Radio and Electronics--

1. To provide the INS operating units with reliable, modern radio and electronics equipment and systems: These will support the mission goals associated with enforcement and the control of illegal migration.
2. To improve service to the public by providing selected field offices with the latest state-of-the-art telephone answering and sequencing devices; Increased capabilities for faster access, and an effective training program for contact representatives with telephone answering responsibilities, will be provided.
3. To provide an effective maintenance program and equipment replacement schedule: Required to ensure effective operation of communications and electronics capabilities.

Allen Documentation, Identification and Telecommunications (ADITT)--

Operation of the Immigration Card Facility: To maintain high volume cost-effective production and issuance of secured identification cards and to update and maintain databases containing card issuance information.

Base Program Description: Development, operation and maintenance of existing and developing information technology systems are accomplished by: (1) computerized support provided on a reimbursable basis by the Justice Data Service Center (JDSC); (2) commercial time-sharing services; and (3) bought and/or leased hardware through private vendors.

ADP systems will maintain current levels of service to users in 1984 through the operation of the current and recent developed systems listed above.

The Data Communications program will continue to operate the recently-implemented data communications network providing remote access to central computer records.

Volume identification card issuance is accomplished by the operation of the Immigration Card Facility. The facility is operated under contract with technical and operational direction and performance monitoring performed by on-site INS personnel. The production operation functions at a base rate of 1,100,000 cards annually to satisfy the INS' minimum recurring documentation needs.

The Radio and Electronics program provides service operations elements with radio communications, telephone call-handling, intrusion detection (sensors), and electronics security equipment and systems. Radio frequency management, inventory and replacement schedules are maintained through the use of computer time-sharing services.

Accomplishments of the Data and Communications Systems program:

- Phase I development efforts of the Long Range ADP Plan have been initiated for the Central Index and selected support databases; Budget Control System; and an Interim Workload Input/Output Measurement System. MCCSS, DA.S and the Lookout System have operational prototypes. Fleet Management and MHS were implemented in January 1983 and MHS interfaces for a school and student database is under development and scheduled for implementation in 1983. The Regional Financial Management Information System (FMIS) has been upgraded with enhanced software to provide increased data processing capability and to allow for more advanced word processing techniques; and an upgrade of additional hardware to support these functions is planned during 1983.
- Development of the Master Index continues, primarily through improved access via the Master Index Remote Access Capability (MIRAC). Terminals have been installed at 23 additional locations bringing the total number of sites served to 70. Recent upgrades also include improved search capability using the name and/or date of birth of an alien, and the addition of an identification card biographical data subsystem. An additional 500,000 records have been added to the Master Index, bringing the total to 15,500,000 records that can be accessed through on-line terminals.
- Continued operational and maintenance support has been provided for current ADP systems.
- 1.1 million Alien Registration Receipt Cards (I-551) and Nonresident Alien Border Crossing Cards (I-586) were produced and issued during 1982. Cards are now being issued at the rate of more than 4,200 per workday, and the average production throughout is less than three weeks. Procedures at consulates, ports of entry and district offices are being continually refined to facilitate applicant processing. Automation of production and the implementation of new techniques continue in an effort to increase production and reduce throughput time.
- A contract has been awarded for the Immigration and Naturalization Service Interim Network Communications (INSINC). The schedule calls for initial installation of a servicewide network to 47 field offices. Expansion of the network to a total of 156 locations, including Border Patrol sectors and ports of entry, is planned to meet the goals of the Long Range ADP Plan.
- Radio communications systems consist of reliable, modern equipment, and incorporate improved command and control capabilities for officers in the field, thus helping to ensure their safety and provide increased operational mobility. New, fully synthesized (broad channeling capability) vehicle and handheld portable radios were provided in 1981 and 1982 to increase the capability of field officers in their mission. Limited radio communications systems are installed in 31 of 36 district offices.

- Replacement continued with acquisition of sophisticated intrusion detection systems in the Harfa and McAllen Border Patrol Sectors in 1982. These systems are comprised of specialized sensors to detect intrusions in the field, and minicomputers at the headquarters console to permit improved control of operational activities through computer aided dispatching and the generation of system performance reports. Service Processing Centers at Miami, FL (Krome North) and at Fort Allen, PR were equipped with closed circuit television and intrusion detection systems to enhance perimeter and interior security and provide increased officer protection.
- Equipment to improve the telephone information answering capability to the public through the use of automated answering and recording equipment has been installed in 28 district offices. The "Ask Immigration" automated tape library answering service has been tested in Miami, FL; Washington, DC; San Antonio, TX; and Tampa, FL and has been ordered for an additional eight offices.

Program Changes: A program increase of \$661,000 is requested to fund 22 positions which are necessary to proceed as scheduled, with the implementation of Phase II activities. These 22 positions will support the equipment acquisition project, the monitoring of contractual development of new data bases, and the operating of recently implemented central systems.

The program increase will provide for Equipment Acquisition II. This is a competitive acquisition of computer hardware, software, communications facilities, and support services which will begin to address the total technical requirements of INS. The project is a multi-year effort beginning in 1982 and culminating with the final selection in late 1984. An initial competition will result in the award of multiple contracts to develop alternative systems designs for satisfying INS processing and communications requirements. Following completion of this initial contracting phase, INS will evaluate the alternative designs and select one for implementation. The selected design will serve as the basis for a second competition, resulting in the award of a contract to provide the INS with the necessary data processing, word processing and data communication capacity to satisfy its needs nationwide for the remainder of the decade. Additionally, this contract will provide applications systems development and facilities management support. Thirty locations throughout the INS would receive equipment in 1984. Twenty-four would be added in 1985 and twenty-two more locations would be scheduled for 1986. The equipment acquisition segment of the Long Range Plan Implementation effort is projected to cost \$7,711,000 during 1984.

The Interim Data Communications Project (INSINC) will provide required data communications capabilities to 156 field offices including Border Patrol sector headquarters, ports of entry, and district and file control offices. Maintenance and expansion of INSINC in 1984 (estimated at \$536,000) is particularly important in light of the need to provide adequate service to those sites which are not scheduled to receive the new communications support acquired under Equipment Acquisition II until 1985 or beyond.

The current word processing program will be superseded by a new integrated approach developed under Equipment Acquisition II. The requested level of funding (\$338,000) will expand INS' current word processing capabilities to address important short-term requirements until such time as the new integrated approach can be applied on a Service-wide basis. This is the most effective means of ensuring that INS' word processing requirements are fully satisfied on both a short and long-term basis.

Systems and databases developed during 1982 and 1983 will be operated at a level sufficient to support implementation of INS' Long Range ADP Plan. This represents \$4,733,000 of the increase request. These systems and databases include the Central Index, the Nonimmigrant Information System (NIS), Alien Registration Card, Deportable Alien Control System (DACS), Naturalization and Citizenship Casework Support System (NCSS), Fleet Management, Budget, Lookout/Wanted Card, and the new Statistical Reporting System.

New database development efforts would be initiated in accordance with the Long Range ADP Plan at a projected cost of \$2,887,000. These include:

- Applications in Process - A large decentralized database which will support the INS benefit-granting function by providing accurate tracking information and statistics on applications and petitions. This database would support the management and control of workloads in Examinations through accurate workload reporting and performance measurement. This database would also provide the information required to respond to public inquiries on the status of cases.
- Applications and Petitions History - A database to capture summary data from cases that have been processed and either approved or denied. This historical summary data would be obtained via data transfer from Applications in Process and assist the field offices in their review of newly received applications and petitions.
- Violators/Smugglers - A database to support the INS enforcement program by providing Servicewide access to data on deportable aliens who have been apprehended, as well as data on smuggling cases including smugglers, witnesses and seized vehicles. This database would provide information to be utilized to determine the most effective deployment of enforcement resources, and to enhance the INS' ability to identify repeat violators.
- Schools - A database to provide information on schools in the United States that are authorized to enroll nonimmigrant students. This information would allow the INS to expeditiously verify Nonimmigrant Visa (NIV) student claims, make well-informed decisions regarding requests for school transfers, and identify the locations of the authorized schools for area control purposes.
- Workload Input/Output - A database designed to provide the type of workload and productivity data required for management decisions in the area of resource utilization. This database would be based upon aggregate statistics on the volumes of work received and completed by the INS at all organizational levels.
- A-File Tracking - A database to enable the INS to effectively control its alien file (A-File) inventory at the proposed national records center, and to provide the necessary files control support to district and files control offices.

The increased level of funding of \$1,960,000 will provide additional radio systems capabilities. This would support assistance to interior INS officers in the apprehension and detention of aliens and in response to emergency situations. It is imperative that INS adhere to an established replacement schedule to ensure continued operational readiness and to avoid excessive and costly maintenance. This level of funding would allow the INS to replace a portion of the radios on the schedule. This is considered critical as the personal safety of INS officers depends largely on the reliability of these radios. This would also provide additional equipment for areas which have shown intensified alien activity.

Low Light Level Television and infrared devices will be acquired, installed and maintained (\$1,100,000) to enhance manpower utilization for intrusion detection in congested traffic areas and as an aid in the prevention of illegal entry at night in those areas where conventional sensors are not appropriate. Closed-Circuit Television would provide needed security for INS personnel at processing and detention centers as well as at adequately lighted vehicle crossing points.

Additional funds of \$100,000 will provide critically needed maintenance for additional communications and electronics equipment.

Multi-purpose diagnostic and test equipment will be provided (\$150,000) to maintain a high-level of operational readiness of increasingly complex, computer-oriented systems.

An additional request is to provide \$30,000 for the annual user charge to allow INS officers to access, via computer terminals, the National Law Enforcement Telecommunications System (NLETS).

	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease	
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY Amount

Information and records management.....

1,245	1,313	\$29,094	1,245	1,288	\$30,496	1,245	1,288	\$41,305	\$10,809
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Long-Range Goal: Information Services--To develop and maintain an effective program to provide timely and accurate information to the public and the INS concerning immigration benefits and procedures, policies, plans and activities.

Records--To develop and maintain a records and information system emphasizing timeliness of service to meet the needs of INS' operating components and other U.S. law enforcement agencies with high quality, responsive support.

Freedom of Information and Privacy Acts--To develop and maintain a program to ensure timely response to requests from the public in full compliance with the Freedom of Information and Privacy Acts and implementing regulations.

Statistics--To maintain a statistically valid alien data base and to conduct special statistical studies in support of the INS's operating units involved in enforcement and benefit processing activities.

Major Objectives:

Information Services--

1. To respond to 90 percent of all telephone inquiries received from the public within four minutes service time.

2. To respond to 100 percent of all in-person inquiries received from the public within fifteen minutes service time.
3. To respond to 100 percent of all written inquiries received from the public within fifteen days service time.
4. To improve service to the public by providing better information, reducing response times and improving public service area facilities.

Records--

1. To implement the INS mission goals and strategies and develop quality controls in accordance with the INS Mission Plan, including the institution of innovations designed to reduce records holdings and dependence upon hard copy records within INS.
2. To reduce significant backlogs and improve responses to requests from the public, INS personnel, law enforcement agencies and other government agencies.
3. To improve the control, maintenance and availability of immigration and naturalization records and information from these records.
4. To support the INS Files Control Offices by continuing to provide operational support for the implementation and improvement of automated systems.
5. To deliver all field office mail to appropriate offices within the shortest possible time after receipt.
6. To maintain an active Records and Information Management Committee to recommend improvements to the INS Information and Records Management Program.

Freedom of Information and Privacy Acts--

1. To respond to or acknowledge all Freedom of Information requests within 10 working days and all Privacy Act requests within 20 working days of receipt.
2. To furnish complete and informative responses to all requests in accordance with the INS and Department of Justice regulations and guidelines.
3. To reduce significant backlogs and improve coordination with other U.S. Government agencies and the Department of Justice.

Statistics--

1. To accomplish optimum ADP integration of a new servicewide work and productivity measurement data system to provide program managers with a valid basis for devising performance standards, projecting workload levels, formulating budget requirements, and effecting resource/workload allocations and redistributions. This new system will be consistent with the ADP Long Range Plan.

2. To advance employment of state-of-the-art statistical techniques such as sampling, and the automation of statistical data methods to maximize the validity, efficiency and quality of the data production activities.
3. To provide statistical data, assistance and support for day-to-day service operational needs of the INS managers, Department of Justice, the Congress, other federal and non-federal agencies and the public.
4. To maintain a program for the systematic review of the statistical validity of the INS database, including both the automated and manual collection and reporting methods at all organization levels within the INS.

Base Program Description: Information Services--Inquiries are received by telephone, in person and in writing. These inquiries are handled by contact representatives (CRs) who are supported by manual systems. To improve response times and still provide quality, personal service to the public's inquiries, efforts are directed toward automating many of the CRs support systems, and providing up-to-date reference materials. Word processing equipment and automatic sequencing of incoming telephone calls with recorded messages, have been placed in operation at various information service centers. Forty-seven multi-language general information library tapes have been prepared and are in use at selected field offices. The number of field offices using taped telephone information is continually being expanded. In addition, actions are being initiated to continue improvements in the public service areas by providing more waiting room space and better, sturdier furniture. This activity interfaces with other INS programs relating to service to the public.

Records--The Master Index plus certain centralized records, such as nonimmigrant arrival and departure and the extension of stay documents, are maintained at the Central Office. The application of ADP and related technologies, and contractual services in the control and access of the records is moving forward both at the Central Office and the field offices. The records or items of information from them are furnished to users upon request. Alien files and various other records are maintained at 51 files control offices throughout the United States. This activity impacts on the Data and Communications program by supplying the new data for the Master Index System and other automated systems. Information supplied regarding immigration, naturalization and enforcement matters impact on other INS programs.

Freedom of Information and Privacy Act--Inquiries are received in writing from the public at more than a hundred INS offices. Most responses are prepared by contact representatives, correspondence clerks, immigration aides and other information services personnel with occasional technical assistance from operating personnel. All appeals, coordination, training and guidance are initiated at the Central Office FOIA/PA Unit which also controls and processes all requests received at the Central Office. Only the Central Office, three regional offices, and two large field offices have employees assigned as full-time FOI/PA specialists.

Statistics--Field offices transmit monthly manual statistical coding sheets to the Central Office covering a significant variety of benefit processing and enforcement activities for keying into the INS' computerized Statistical Reporting System in order to develop and tabulate statistical data. These data are published in various tables and reports for use by INS operating units, other federal agencies and the public. The Servicewide Work Measurement Reporting is manually collected and completed. This is a system which aggregates the productivity reports of the INS by regions, districts, offices, sub-offices and operations. Central office statisticians provide nationwide support to operating units and management by performing a variety of complex studies designed to assist the INS in accomplishing its operational mission. Additionally, information is researched to provide technical assistance and statistical analysis services.

Accomplishments and Workload: Accomplishments of the Information and Records Management program are presented in the following table:

Item	1981	1982	Estimates	
			1983	1984
Information Services:				
Pending beginning of period - correspondence.....	17,967	23,936	13,000	19,000
Receipts - correspondence.....	677,158	603,086	691,000	698,000
Completions - correspondence.....	671,189	613,592	685,000	685,000
Inquiries:				
By telephone.....	4,289,803	4,172,514	4,350,000	5,400,000
Tape library.....	13,979	192,860	600,000	750,000
In person.....	4,771,570	4,768,288	4,850,000	4,850,000
Records:				
Receipts				
Incoming and/or outgoing mail.....	24,148,963	22,824,706	24,000,000	24,000,000
Files opened.....	802,977	798,101	900,000	950,000
Index searches.....	2,872,929	2,532,849	3,100,000	4,100,000
Files transferred or forwarded on loan.....	485,842	590,630	594,000	623,000
Filing material into "A" files.....	880,123	910,739	1,100,000	1,400,000
Completed				
Incoming and/or outgoing mail.....	24,187,417	22,832,382	24,000,000	24,000,000
Files opened.....	833,201	782,750	900,000	950,000
Index searches.....	2,870,877	2,507,853	3,100,000	4,100,000
Files transferred or forwarded on loan.....	506,438	593,851	544,000	644,000
Filing material into "A" files.....	1,016,559	998,910	1,100,000	1,400,000
FOI/PA:				
Freedom of Information and Privacy Act action receipts.....	38,769	31,115	34,000	34,000
Freedom of Information and Privacy Act action completed....	38,769	27,380	28,000	28,000
Statistics:				
Receipts				
Workload measurement reports.....	3,435	3,435	3,435	3,435
Visas coded	351,231	371,741	250,000(5)	...
Inquiries	2,621	2,656	2,700	2,700
Nonimmigrants.....	8,971,376	...	...	...

Item	Estimates		
	1981	1982	1983
Completions			
Workload measurement reports.....	105	105	105
Visas coded (1).....	351,231	371,741	250,000(5)
Annual reports.....	2	1	....(4)
Statistical yearbooks.....	2	1	1
Public use tapes.....	12	14	16
Inquiries answered.....	2,621	2,656	2,700
Nonimmigrants.....	450,015(2)	....(3)	....
Users served.....	6,531	6,956	7,000

Notes:

- (1) Assumes no change in quota. (4) Anticipate going to Public Information Office
 (2) Work completed using a sampling method. (5) Will be contracted out in FY 83.
 (3) Work contracted out.

Information Services--In 1982, improvements were made in telephone services by the installation of new and updated automatic telephone answering and tape playing equipment at three (3) offices (San Antonio, Dallas, and Washington, D.C.). Visual and electrical surveys were completed for improvements at six other offices where there are significant problems with responsiveness to telephone calls from the public. These offices were: San Francisco, Dallas, El Paso, Memphis, St. Louis, and Hammond. In addition, there was a testing of a totally automatic "Communicator System", which began in September 1982.

Libraries of general information tapes were developed and installed during 1982 at San Antonio, Dallas, and Washington, D.C. Tests were conducted to show that the tape libraries reduced the need for individual attention by contact representatives to a majority of questions raised by the public. These libraries have been enthusiastically received, and almost two hundred thousand inquiries were answered by the tape library systems in 1982. A handbook for contact representatives, published in 1981, is updated as needed to maintain current, accurate reference information. To improve the quantity and quality of information for the public, leaflets and other materials have been developed. Training programs have been instituted to maintain an informed cadre of employees.

A major study was completed in March 1982 which outlined recommendations to improve INS telephone answering capabilities. Based on the study, approval was given for a six-month test of an Eastern Regional Telephone Service Center Prototype, beginning in June 1983 in Philadelphia. A request for proposal (RFP) was issued in January 1983 to potential bidders for installation of equipment and necessary communications to establish the prototype center. When operational, the center will provide telephone answering services for three of the larger field offices--New York, Newark and Philadelphia.

Records--During 1982 twenty-two files control offices were capable of accessing the automated Master Index System. Much has been accomplished in the area of automation of the Records operations to make the search and record keeping activities less time consuming. It is anticipated that twenty-four additional files control offices will be capable of accessing the Master Index System in 1983. Further improvements in the quality of information are a part of the INS Long Range ADP plan. During the development of a new Nonimmigrant Information System (NIIIS), Records personnel provided technical guidance and organizational instructions. This system was implemented in January 1983.

The Records Cleanup Project was initiated in September 1982, and continued in 1983. This project evaluated eight (8) field offices to determine the existing backlogs in the total Service and recommend ways to eliminate them.

Science Management Corporation was awarded a five-year Visa Processing Contract at the end of September 1982. Records is the quality assurance monitor of the Contractor's data conversions services of the collected visas.

The Alien Files Unit has taken over data entry into the Service Lookout Book. The Lookout Book is produced from the Central Office Database, which is developed from field office entries submitted via dial-up terminals.

The Circularization Study for Missing A-Files was completed during FY 1982. The Study made recommendations to increase the effectiveness of the Circular. Improvements were made to aid the files control offices in conducting searches and to assist the Central Office in establishing quality controls. The improvements included periodic analyses of the quality of the searches made by various files control offices.

The Records and Information Management Committee was established to review records operations at selected field offices, and for the preparation and implementation of project plans for reducing and preventing backlogs, and maintaining them at a current level. In 1982 inspections were conducted at four files control offices: Chicago, Phoenix, Atlanta, and Washington.

A quality control contract administration unit was established at the end of 1981 to monitor the results of contractor's data conversion work. This unit continues to monitor the performance of contractors and provide on-site training to them when necessary. In September 1982, greater emphasis was placed on contractual services with the award of the 1-94 Arrival and Departure Document multi-contracts. The multi-contracts provided the Service more assurance that all Service 1-94 data conversion work would be completed and more quickly.

A major priority assigned by the former INS Acting Commissioner was a project to address the issue of the future location of INS' alien files (A-Files). Criticisms have been levied against Records Management regarding the control and misplacement of A-files. Consequently, a study group was formed to improve the present system for location of A-files. The study group considered four options and recommended that all A-files be relocated from the 46 files control offices in the continental U.S. to a National Records Processing Center. A decision paper showing the various options and the recommendation was submitted to the INS Management Team in March 1982. Approval by INS Management Team of the recommendation was given in July 1982.

Freedom of Information and Privacy Acts--In 1981, two training courses were conducted for INS employees, one in the Eastern Region and the other in the Western. The completed training resulted in a noticeable improvement in quality of responses to requests and overall compliance with the Acts. New reference and guidance materials were issued to assist the trained FOI/PA

people with the tasks of determining appropriate responses to requests, reviewing material to determine releasability, identifying information originated by other agencies for coordination, identifying sensitive and classified information, recommending continued classification or downgrading, as appropriate, and preparing requested documents for release. In 1981, FOI/PA personnel processed over 30,000 requests for information. Requests processed through July 1982 total over 71,000.

Two FOIA/PA training courses were conducted in 1982, one in the Northern Region and one in the Southern. The FOIA/PA Handbook was completed for testing in training Journeyman, and new guidelines for maintaining public reading rooms in INS offices have been completed. Six of 32 Privacy Act systems descriptions of INS records pertaining to individuals were updated in 1982. All systems descriptions are updated periodically to provide the public instructions on how to obtain information from a records system (i.e., Non-immigrant Document Control System, Manual Master Index System, etc.) and what information is available from these systems.

Statistics--The Branch established an extensive quality control program to bring field reporting to a high degree of accuracy and to maintain it at that level. In 1982, the quality control program was implemented. Statistical coding of immigrant arrival and adjustment data was scientifically sampled and a records check completed against the original documents. In addition, there was 100 percent validation and verification of the statistical coding process. Over 350,000 visas were examined in 1982. The productivity and resource management system team was constituted in 1982. By the end of June 1982, a conceptual design of the system was developed. The system design showed how to measure the productivity of the workforce, evaluate productivity of the workforce and resource management system against performance standards. When the system is developed it will provide a valid statistical basis to support budget formulation/execution and from which recommendations for personnel resource distributions may be derived. The title given to the team's efforts is Productivity and Resource Management System (PARMS). Services to operating program managers increased and demographic statistical studies, analyses and projections were used in program management and operations.

Program Changes: Information Services--This level of funding will enhance the Information and Records Management Program support to the INS' operating units and their capability to serve the public, law enforcement agencies and other government agencies. This increase will allow for the elimination of decentralized telephone answering services at a number of field offices and the establishment of regional telephone services in the Eastern Region. It is anticipated that there will be ten contact representatives to support the ten tape librarians and that these contact representatives and tape librarians will come from current program resources in the local/regional areas. The regional telephone center is designed and staffed to handle 1.2 million telephone calls in 1984. This will be an increase from present telephone services capabilities of about 25 percent. The establishment of a regional telephone center will enable the INS to effectively support the public and eliminate the current burden faced by limited resources at the district offices.

The centralized telephone service will utilize more sophisticated telephone answering equipment and the greatly improved "Ask Immigration" tapes, which have been professionally prepared in several different languages. The increased level requirements associated with regionalizing the telephone services in the Eastern Region are as follows:

EASTERN REGIONAL TELEPHONE SERVICES CENTER

Space Costs (1,430 sq. ft.).....	\$21,000
Furnishings.....	20,000
Telephone Equipment and Service (Foreign Exchange Service on 74 incoming lines, and Tape Library Equipment) (in addition to that purchased earlier for the prototype).....	588,000
Publications.....	80,000
Administration.....	10,000
Total Increased Level Requirements.....	\$719,000

Records--At this level of funding, the Information and Records Management program will have the funds necessary to establish the National Records Center. The Center will provide the INS with maximum flexibility, coordination and management control of records operations. The INS has been criticized for the past several years for the lack of effective records support systems. The Chairman of the House Government Operations Committee recognized the INS as one of three agencies which are unique to the Federal agencies in that the success of their statutory mission is totally dependent on the adequacy and accuracy of their Records programs. The INS has expended some 12 months of government-wide study, research and planning for establishment of a National Records Processing Center to pinpoint accountability for the files, tighten records security and restrict file movements, increase files maintenance and eliminate premature files retirement, expedite records/information retrieval, control and establish records currency, and still reduce annual maintenance needs and recover the requested Records developmental requirements in a few short years. One such significant savings resulting from the establishment of the Center is the change of storage space for A-Files from costly office space now utilized in the field offices to lower warehouse space cost at the Center. The increased level requirements associated with the establishment of the National Records Processing Center are as follows:

NATIONAL RECORDS PROCESSING CENTER

Temporary hires (using available INS FTE-OTH to remove files from shelves, clean-up backlogs, ship audit files to Center, retire all eligible files and transfer to Federal Records Centers, and input file data into Automated Index at the 46 files control offices).....	\$975,000
Severance Pay for those Records employees choosing not to relocate to the National Records Processing Center (includes only pay @ 8 weeks x 270 persons plus lump sum leave payment).....	782,000

Overtime (for auditing files in operating units and assisting with the temporary hires activities).....	\$996,000
Travel and transportation (travel and transportation for 47 personnel transfers, and travel for backlog reviews, team planning, monitoring contracts, site reviews, etc.),.....	1,250,000
Space (SLUC).....	1,355,000
Contractual Services (moving files and furniture from files control offices to Center, disassembling and erecting open-shelf filing, teletype and telephone installation at Center, and accomplishing temporary hires workloads by contract).	3,920,000
Supplies (boxes for shipping A-files, tapes and miscellaneous supplies at the files control offices and at the Center).....	\$152,000
Equipment (open-shelf filing, office furniture and telecommunications furniture, mailroom equipment).....	660,000
Total Increased Level Requirements.....	10,090,000

1983 Appropriation

	Anticipated		1984 Base		1984 Estimate		Increase/Decrease				
	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount			
Intelligence.....	26	25	\$1,574	26	25	\$1,614	26	25	\$1,614

Long-Range Goal: To provide intelligence liaison, coordination and exchange of information with other government agencies on immigration matters related to national security; to provide intelligence to assist operating units with enforcing the Immigration and Nationality Act; and to assist in the prosecution and conviction of major counterfeiters, alien smugglers and other violators of the Immigration and Nationality Act.

Major Objectives:

1. To provide a focal point for maintaining intelligence liaison, exchange of intelligence and support to other agencies on matters concerning national security and enforcement of the Immigration and Nationality Act.
2. To fully use the capabilities of the multi-agency El Paso Intelligence Center.

3. To fully use the capabilities of the INS Forensic Document Laboratory to conduct scientific examinations of questioned documents; to develop technical intelligence for the detection of alien smugglers and other violators of the Immigration and Nationality Act.
4. To fully utilize the intelligence collection and reporting capabilities of Border Patrol, Inspections, Adjudications, Investigations and Anti-Smuggling to support service-wide enforcement operations.

Base Program Description: The Central Office Intelligence staff provides program planning, coordination, and direction to INS intelligence activities, and serves as the channel of intelligence with and support to other federal agencies and to INS management. Requirements of the operational users are identified and collection, reporting and production efforts are re-oriented accordingly. Coordination and liaison are required with the FBI, CIA, U.S. Customs Service, U.S. Coast Guard, FIA, DEA, RAIF, Secret Service, Royal Canadian Mounted Police, Department of Defense and other agencies. Intelligence is exchanged and support is provided to other government agencies in sensitive cases involving the entry, departure, adjustment of status or naturalization of aliens. The Central Office Intelligence staff also provides a number of high priority intelligence studies and responds to the continual stream of unpredicted events and requests for support from other agencies and INS officers to meet emergent needs.

INS participates with DEA and other agencies in the El Paso Intelligence Center (EPIC) which maintains INS data bases on alien smuggling, false claims to U.S. citizenship and reports of the arrival of private aircraft. INS intelligence analysts produce tactical intelligence analyses and special reports on alien smuggling. Current intelligence is disseminated by means of periodic reports and responses to queries from the field. Efforts are underway with U.S. Customs Service and DEA to automate a portion of these data bases. The utilization of joint intelligence efforts has proved to be a cost-effective method of producing and disseminating intelligence information.

The INS Forensic Document Laboratory became operational in 1979 and has expanded to become an effective tool for combatting document and other fraud schemes. The laboratory provides the capability for the scientific analysis of any form of questioned document evidence developed in the investigation of immigration fraud or other violations of the Immigration and Nationality Act. Additionally, the laboratory produces working aids to assist INS field officers in the detection of fraudulent documents, conducts surveys and research into the technical aspects of document fraud, establishes highly sensitive technical reference resources relating to worldwide travel documents, and develops intelligence information regarding the technical aspects of newly devised documentary fraud. Laboratory personnel provide expert testimony in criminal actions or administrative hearings, maintain liaison with other government agencies in cases where INS has an interest, and respond to requests for technical assistance in the field as may be required.

Field intelligence officers presently assigned as regional intelligence officers provide technical guidance and coordinate the intelligence program within their respective regions. These officers maintain local data bases, prepare regional intelligence reports, coordinate the dissemination of intelligence and conduct on-the-job intelligence training in the field.

Accomplishments and Workload: Accomplishments of the Intelligence program are presented in the following table:

Item	Estimates		
	1981	1982	1983
Scientific examination and analysis of fraudulent documents conducted.....	6,000	8,000	9,000
INS data inputs processed at EPIC.....	199,864	179,897	180,000
Queries of INS databases at EPIC.....	41,499	38,144	38,000
Positive INS responses provided to queries received by EPIC.....	10,900	9,303	10,200
			11,300

During 1982, the technical capabilities of the INS Forensic Document Laboratory continued to expand. Detailed plans have been completed for a permanent facility to become fully operational in 1983. The Laboratory's record of success is demonstrated by the support which has been provided to operational divisions at 41 locations throughout the Service during 1982. Highlights have included assistance to the Department of Justice in prosecuting and convicting Nazi war criminals, assistance to the INS Chicago District in prosecuting and convicting a massive counterfeiting case involving approximately 30,000 counterfeit documents of 30 varieties; and assistance to the U.S. Attorneys in cases involving counterfeiting and a false claim to U.S. citizenship, both of which resulted in convictions. Support also has been requested and is being provided to the Senate Permanent Subcommittee for Investigations and to the Social Security Administration.

The Central Office Intelligence Staff has received and disseminated intelligence reports from a multitude of sources. The staff has provided timely support to the FBI, the Secret Service, DEA, FAA, Customs Service and other government agencies on time-sensitive matters involving national security and law enforcement related to immigration matters. In addition, intelligence reports are screened and disseminated to the INS representatives on eleven Organized Crime Strike Forces throughout the United States. The INS also has been represented at various interagency committee meetings for the exchange of intelligence and coordination and cooperation with the Department of State and with DEA have been improved.

At EPIC, analytical tasks have been identified and a series of reports specifically tailored to INS needs have been produced and disseminated to the field. To improve the quality and accessibility of EPIC's database, the Alien Smuggling Index is being fully automated. Support provided by the INS also has resulted in convictions by other agencies. Direct analytical support has been provided to assist INS offices in Los Angeles, El Paso, and a multi-region project, which is ongoing to develop intelligence in complex alien smuggling conspiracy cases. INS databases continue to be a valuable asset to all of the participating agencies at EPIC.

	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease	
	Anticipated									Perm.	
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	WY	Amount
Research and development.....	2	2	\$513	2	2	\$513	2	2	\$513	...	...

Long-Range Goal: To ensure an increase in IUS capability to rapidly detect, intercept and apprehend illegal entrants before they move into the interior by utilizing available techniques and technologies for detection, interception and operational support in a balanced configuration with available personnel.

Major Objectives:

1. To develop and evaluate wide-area surveillance techniques to improve border enforcement between ports of entry.
2. To develop and evaluate techniques for improving inspection methods at the ports of entry.

Base Program Description: The Research and Development staff defines problems, develops concepts of technical solutions, designs and implements tests and evaluations of research/developmental systems and techniques, directs contractors, initiates and directs interagency technical programs, and provides technical consulting to the Central Office and operating groups.

The objectives of the program are being pursued through in-house, contract, interagency agreement and information inter-change activities. These activities cover technical areas of sensors, signal processing, radar, infrared imaging, low-light level TV, communications, data processing, video techniques, pattern recognition, simulation, test and evaluation, airborne plat-forms and systems analysis.

Accomplishments of the Research and Development program: Research and Development (R&D) has analyzed requirements for in-frared imaging systems and has designed and is conducting tests of six infrared imaging devices (ANTAS-6A) to determine their effectiveness under varying operating conditions. Research and Development has adapted a modified IR system which is mounted and operated on seized vehicles.

Installation has been completed on the Ported Coaxial Cable System (PCCS). Controls for remotely monitoring the system have been designed by R&D. Operational tests have been designed and initiated. The tests are being conducted in cooperation with the U.S. Air Force to evaluate the potential of PCCS as an effective economic means of controlling intrusions over great lengths of border with single sensors.

Research and Development has completed a feasibility study of Enclosed Space Detection (including two working laboratory models). This study establishes the performance and physical characteristics of a system for automatically detecting people in large or small mass enclosures such as tractor trailers, train cargo compartments, and rooms of buildings. The enclosed space detector offers potentially enormous productivity and safety improvements in inspection at land, air, and sea ports of entry. It also could be adapted for implementation by other Federal, state and local law enforcement groups.

	1983 Appropriation Anticipated				1984 Base				1984 Estimate				Increase/Decrease		
					Perm.				Perm.				Perm.		
	Pos.	WY	Amount		Pos.	WY	Amount		Pos.	WY	Amount		Pos.	WY	Amount
Construction and engineering...	15	17	\$4,612		15	17	\$4,278		15	17	\$4,278		...	...	...

Long-Range Goal: To provide adequate facilities for all INS operating units so that they may fulfill their requirements to administer the Immigration and Nationality Act and to provide maximum service to the public.

Major Objectives:

1. To construct, alter and maintain adequate and attractive facilities as required by the operating elements for effective performance.
2. To develop a facilities management information system to meet external and internal facilities management information requirements.
3. To maximize savings through energy conserving structures.
4. To provide facilities for easy access by the physically handicapped.
5. To maintain the latest technology and code requirements such as OSHA health and safety requirements in the INS facilities.
6. To provide support for the INS long range goals and strategies related to the design of federal inspection service facilities at all airports, both within the United States as well as overseas.
7. To provide support for the INS long range goals and strategies to implement a better environmental atmosphere in the INS work areas.

Base Program Description: Construction and Engineering performs the administrative functions related to the INS space and facilities requirements, provides design and construction capability for alteration of existing facilities and new facilities, plans and implements the energy conservation and facilities for the handicapped programs.

Work is performed in the Central Office with input from the field offices and the use of contractors for design and construction. Multi-year funding is required for new construction. The first year funding is for land procurement and design by architect/engineer; the second year is for construction of the facility.

Space is acquired through the General Services Administration (GSA) by INS lease, by INS construction, by joint INS/U.S. Customs Service construction and through assignment by airport authorities. New inspection facilities are coordinated as necessary with the U.S. Customs Service, the Public Health Service, Department of Agriculture, General Services Administration, state, county, local, airport and foreign authorities. Office space requirements are coordinated with GSA. The development and support of the design facilities for airports, support of the Quality of Life Office Systems techniques and visual identification aids are being actively pursued.

Accomplishments and Workload: Accomplishments of the Construction and Engineering program are presented in the following table:

Item	Estimates	
	1983	1984
Major new construction projects.....	10	13
Review federal buildings fund.....	333	354
Building audits.....	10	2
G-68 - alterations/repairs.....	120	130
Airport projects.....	23	20
SF-81/144 (request for space) sent to GSA.....	55	50

1982--

- Continued planning and implementation of relocating district offices as well as the relocation of one regional office in conjunction with GSA.
- Continued implementation of programs for energy conservation and facilities for the physically handicapped programs.
- Continued planning with airport authorities for installing new and expanded inspection facilities at international airports with emphasis on the latest inspection concepts.
- Coordinated and monitored the GSA design contract for the upgrading of the Chula Vista Service Processing Center.
- Continued monitoring of GSA activities on the relocation of the New York District Office and service processing center to 201 Varick Street.
- Monitored four design contracts for installing solar system at four INS facilities in accordance with contract requirements established by the Department of Energy.
- Planned and monitored a master plan and design contract for improvements and additions to the Krome North Service Processing Center at Miami, FL.
- Participated in the development of historic preservation guidelines to comply with Departmental 106 regulations.

- Awarded and monitored design contract for new Border Patrol stations at El Cajon, CA. and Eagle Pass, TX.
- Continued monitoring of design and construction for compliance with criteria and good engineering judgement at:
 - a. El Centro, CA., Administration expansion
 - b. Port Isabel, TX., Phase I - Building renovation
 - Port Isabel, TX., Phase II- Building renovation
 - Port Isabel, TX., Upgrading of utility system repair and alteration requirements

1983--

Planned and designed staging facilities for undocumented aliens in Chicago, Illinois and Boston, Massachusetts.

- Continued monitoring of GSA activities on the relocation of the New York District Office and Service Processing Center to Varick Street.
- Continued planning and monitoring the master plan and design contract for improvements and additions to the Krome North Service Processing Center at Miami, Florida.
- Continued planning and implementation for the relocation of district offices in conjunction with GSA.
- Continued implementation of programs for energy conservation and physically handicapped programs.
- Improved planning activities with airport authorities by developing more definitive criteria for new and expanded inspection facilities at international airports.
- Developed modifications to an existing dormitory to house aliens in Port Isabel, Texas.
- Monitored design for upgrading of INS residences by GSA at Port Isabel, Texas.
- Continued monitoring of design and construction for compliance with criteria and good engineering at:
 - a. Chula Vista Border Patrol Station and upgrading of service processing center.
 - b. Four solar systems
 - c. El Cajon Border Patrol Station
 - d. Eagle Pass Border Patrol Station
 - e. Krome North Processing Center, improvements and additions

1984 Projected Accomplishments--

- ° Develop and implement an automated Facility Information and Control Data System.
- ° Initiate planning activities to establish a facilities maintenance program.
- ° Initiate planning activities to establish a conceptual basis for developing space standards for the operating elements.
- ° Continue planning and implementation for the relocation of district offices in conjunction with GSA.
- ° Continue implementation of programs for energy conservation and physically handicapped programs.
- ° Improve planning activities with airport authorities by developing more definitive criteria for new and expanded inspection facilities at international airports.
- ° Continue monitoring of design and construction for compliance with criteria and good engineering judgement at:
 - a. Chula Vista Border Patrol Station and upgrading of service processing center.
 - b. Four solar systems
 - c. El Cajon Border Patrol Station
 - d. Eagle Pass Border Patrol Station
 - e. Krome North Processing Center, improvements and additions
- ° Continue planning and design of staging facilities for undocumented aliens in Chicago, Illinois and Boston, Massachusetts.

	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease	
	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY Amount
Field management and support...	272	281	\$10,999	272	281	\$11,343	272	281	\$11,343	...	...

Long-Range Goal: To provide day-to-day management direction to field units that implement major policy and management decisions made by the INS. These personnel serve as intermediaries and staff advisors to enhance communications and to promote conformity among diverse activities and geographical areas.

Major Objectives: To ensure effective law enforcement, to provide efficient service to the public and to devise regional techniques and procedures for responding to newly emerging trends in the immigration field. Currently, all mission planning is predicated on accomplishing goals within the resources available to the INS.

Base Program Description: Field Management and Support is responsible for providing line management and staff support for the implementation and operation of the field activities and functions associated with the INS mission of controlling and facilitating immigration, nonimmigrant foreign travel and citizenship. It is that management and supervision which is charged with responsibility for and authority over multiple programs or more than one decision unit.

Accomplishments of the Field Management and Support program: Establishment of remote adjudication centers, implementation of an up-front adjudication program and development of a regional activity system are some of the major accomplishments of this newly created program.

There is currently no way to quantify performance in this newly created program. Previously performed under the Executive Direction and Control program, performance for Field Management and Support will be best measured after the development of a work measurement or effectiveness system. The measuring instrument used in the interim will be the feedback received from the managers at the Central and regional offices, DOJ, OMB and Congressional delegations, and INS employees at all levels.

	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease	
	Anticipated			Perm.			Perm.			Perm.	
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	WY	Amount
Legal proceedings.....	169	155	\$6,391	167	153	\$6,360	167	153	\$6,360	...	...

Long-Range Goal: To provide legal representation for the U.S. Government in all cases and matters arising before Immigration Judges and the Board of Immigration Review; to provide representation for the INS in all other contested administrative hearings in which the agency is involved; to provide legal advice and support to INS operating personnel and managers, especially regarding the Adjudications and Naturalization program; and to provide litigation assistance on all INS cases being litigated in the federal courts.

Major Objectives:

1. To try exclusion and deportation cases expeditiously.
2. To provide prompt and professional representation for the INS at all other administrative hearings.

3. To provide legal counsel to INS officers operating in the field.
4. To provide more litigation assistance and achieve more successful results in federal court litigation involving the INS.

Base Program Description: INS attorneys appear in behalf of the agency before Immigration Judges, the Board of Immigration Appeals, the Merit Systems Protection Board, the Equal Employment Opportunity Commission, and Boards of Contract Appeals. Attorneys provide litigation support in agency litigation being conducted in U.S. District Courts, Courts of Appeals, and the Supreme Court. Attorneys also advise the Central Office, Regional Commissioners, District Directors, and Border Patrol Sector Chiefs regarding legal problems arising at all levels of agency operations.

Accomplishments and Workload: Accomplishments of the Legal Proceedings program are presented in the following table:

Item	Estimates			
	1981	1982	1983	1984
Final attorney appearances.....	58,667	60,785	76,000	80,000
Cases completed.....	54,580	60,055	75,000	79,000

Through the implementation of the consolidation program which began in 1981, most INS attorneys have been trained to handle a full range of legal work, and attorney involvement in acting as full legal counsel to INS' operating officials at the district level has increased in most areas. In several locations, a significant amount of the federal district court litigation is handled by agency attorneys. Through the General Counsel's Office, INS attorneys have been heavily involved in the task force litigation of Haitian and Salvadorian cases. Attorney involvement in EEO cases and Merit Systems Protection Board cases has increased with several training sessions related to these areas being held. A Special Assistant U.S. Attorney program using INS attorneys to handle agency litigation in court has been expanded to eight jurisdictions.

	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease	
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY
Judicial review.....	...	40	\$1,514	...	...	...	...	...	...	...	...

This program was transferred to the Executive Office of Immigration Review in January 1983.

Activity: Program Direction	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease		
	Anticipated											
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Executive direction and control	198	214	\$9,142	196	212	\$9,291	196	212	\$9,291	...	...	...
Administrative services.....	492	473	23,773	492	473	24,724	492	473	24,724	...	...	...
Total.....	690	687	32,915	688	685	34,015	688	685	34,015	...	...	...

This activity provides resources for the overall administration and management of the Service.

Activity: Program Direction	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease		
	Anticipated											
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Executive direction and control	198	214	\$9,142	196	212	\$9,291	196	212	\$9,291	...	...	...

Long-Range Goal: To increase effectiveness in the accomplishment of the INS mission through the implementation and execution of Mission Plan goals and strategies; to formulate and coordinate meaningful and consistent policy and provide program direction throughout all levels of the INS; and to evaluate policy with a view toward recommending practical changes.

Major Objectives: To provide comprehensive programs and policy development on a national scope; to plan, coordinate, monitor and evaluate the Mission Plan and the programs and policies of all INS activities to ensure effective law enforcement and service to the public; to prepare and execute budgets; to provide timely legal services to the INS and the Department of Justice staffs; to investigate allegations of employee misconduct; and to respond to congressional, public and media inquiries.

Base Program Description: The planning staff is charged with the responsibility for coordinating and monitoring the progress of mission plan strategy implementation. The staff also ensures that all policy directives are eventually incorporated into INS operations, instructions, regulations, interpretations, officer handbooks and other employee guides. This review process is an ongoing program that provides managers and members of their staffs at all levels of the organization with accurate and consistent planning guidance.

In an effort to improve service to the public, automation is being introduced at district offices to improve access to information contained in alien case files and to track the processing of applications and petitions filed by aliens in the United States. Side benefits of this effort are improved response time to inquiries and daily availability of workload and financial information.

The effectiveness of INS programs is monitored through regularly scheduled field office inspections which are followed up with unannounced visits, to assure that corrective action, where required, has been taken. Tracking of budget execution at the Central and regional office levels and increased planning and evaluation emphasis provide other avenues of control.

Accomplishments for the Executive Direction and Control program: The major area of emphasis has been improved and effective management of the INS. The overall accountability, responsiveness and effectiveness of the agency are being addressed by instituting a system of management by objectives which holds Senior Service Executives specifically accountable for achieving management reforms in specific program and management areas. This effort calls for eight broad areas of improvement. These are:

- Improvement in service to public and elimination of backlogs;
- Improvement in the effectiveness of enforcement activities;
- Improvements in information collection and storage;
- Improvements in personnel management and the organization of the agency;
- Improvements in resource management;
- Effective implementation of legislative initiatives;
- Enhanced inter-agency cooperative efforts; and
- Improvements in hearing procedures.

A two-year strategic planning process resulted in a Mission Plan to guide planning of INS operations. The goals of the Mission Plan have been translated into specific priorities for 1983 which INS is pursuing at this time.

To execute these eight major program objectives, the following steps have been taken: First, the agency has established concrete priorities and assigned responsibility for those priorities to specific INS executives. These priorities have dates and milestones attached to them in order to objectively measure progress. Second, the INS Commissioner and Deputy Commissioner will personally review progress toward meeting these objectives on a quarterly basis, getting explanations for lack of progress as well as unusual progress. Third, the INS has tied performance reviews and ratings of its management to the accomplishment of the tasks outlined in its program goals. Last, the INS will update its priorities and program objective annually through a process of re-establishing targets and reviewing the changing needs and progress of its organization. Thus, the system is responsive to changing circumstances such as new legislation, new administrative initiatives or new immigration crises.

In the context of this overall system for managing the activities of the agency, these are some of the specific reforms underway:

Service to the Public and Elimination of Backlogs--

The INS is improving its service to the public by streamlining its adjudications processing:

- Reducing interview requirements;
- Expanding its test of regional adjudications centers to complete adjudications which do not require personal interviewing;
- Significantly increasing the total number of adjudications by means of "up-front" processing; and
- Implementing a standard nonimmigrant admissions policy for tourists with Class B-1 and B-2 visas.

Enforcement Activities--

The INS is improving its enforcement activities in many ways, especially by continuing its emphasis on targeting enforcement resources for greatest effectiveness by assigning new and existing resources to those areas having the highest incidence of illegal entry.

Information Collection and Storage--

The INS has completed a long-range automated data processing plan to assure the orderly establishment of computerized information systems to allow the agency to make more effective use of the information it possesses. The implementation of that plan has already begun. The INS is installing an interim naturalization casework support system in Los Angeles and will shortly begin installing a deportable alien deportation system in San Diego.

INS Management and Organization--

The INS has just completed an organizational issues and decision-making process study of itself. It is also in the final stages of completing the consolidation of its attorney resources, an effort that will substantially streamline and make more uniform the legal activities of the organization.

Resource Management--

Two efforts are of note in managing the INS resources:

- A renewed effort to examine the 1931 Overtime Act costs, with a view to reducing them as much as possible.
- A continued effort to assure that resources are concentrated as much as possible at high-volume, high risk ports of entry.

Effective Implementation of Legislation--

By including implementation planning of new legislation as one of its major 1983 program goals, the INS will be prepared to execute new legislation in an efficient, professional manner promptly upon enactment.

Inter-agency Cooperation--

A further inter-agency cooperative effort has been INS' recent completion of a crisis management plan and its assumption of the lead for the administration in the execution of that plan, should another Mariel or similar series of incidents occur. The plan is currently under review within the administration.

Hearing Procedures--

The INS is undertaking changes in agency hearing procedures, designed to simplify those procedures, and to ensure adequate administrative support. It is particularly concerned that special inquiry operations have adequate performance and administration support, and that cases are processed in a more timely fashion.

Accomplishments and Workload: Accomplishments of the Executive Direction and Control program are presented in the following table:

Item	Estimates	
	1983	1984
Congressional Affairs:		
Telephone inquiries.....	33,000	30,000
Written inquiries.....	5,500	5,250
Telephone replies.....	50,000	47,000
Written replies.....	7,000	6,000

Item	1981		1982		Estimates	
	1981		1982		1983	1984
Professional Responsibility:						
Major cases received.....	206		265		280	280
Significant dispositions criminal.....	13		10		20	20
Major adverse actions.....	24		30		35	35
Six month backlog.....	35%		30%		25%	25%
Field Inspections and Audits:						
Field inspections and audit reports demand.....	20		20		20	20
External audit reports demand.....	10		10		10	10
Field inspections and audit reports production.....	15		21		20	20
External audit reports production.....	13		12		10	10

1983 Appropriation

Anticipated	1984 Base		1984 Estimate		Increase/Decrease	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
Administrative services.....	492	473 \$23,773	492	473 \$24,724	...	...

Long-Range Goal: To provide the full-range of administrative support services to all INS units on a timely basis in compliance with laws, policies, and external and internal requirements.

Major Objectives:

1. To provide the full-range of personnel and EEO support services and program direction on a timely basis service-wide. This includes: Development and administration of Merit Staffing and Promotion Plans; EEO Policy and Affirmative Action Program development, counseling and evaluation; alcohol, drug abuse, labor/management relations, contract negotiations and other employee relations program development, implementation and monitoring; manpower planning and staffing to meet Service-wide operational needs; manual and automated personnel records and information support systems; implementation of legislative and regulatory requirements and policy development; classification and position management and personnel management evaluation; EEO complaint investigations and program responsibilities for the INS long-range goals and strategies related to Personnel and EEO/Affirmative Action programs.
2. To provide the full-range of accounting support services and program direction on a timely basis service-wide. This includes: Automated and manual financial reporting systems; policy development, documentation, implementation and monitoring; maintenance and operation of a financial system of accounts; fiscal control over INS appropriated funds and cash and/or valuables in its custody; payment of vouchers; accurate and timely financial reports as required to meet

managerial needs and external reporting requirements; implementation of legislative, regulatory, external and internal policy and procedure requirements, and responsibility for the INS long-range goals and strategies related to the accounting program.

3. To provide the full-range of property management, procurement support and program direction on a timely basis service-wide. This includes: Leases; contracts and other procurement activity; forms, and other printing matter and distribution; personal property records maintenance and accounting; manual and automated property management and procurement management control systems; fleet management; property management and procurement reports; headquarters and regional office support services; construction and engineering activities for field offices; implementation of legislative, regulatory, external and internal policy and procedure requirements; mail and messenger services for headquarters; the receipt and transmission of messages through the Justice Telecommunications System (JUST) and responsibility for the INS long-range goals and strategies related to Property Management and Procurement.

Base Program Description: Administrative Services is responsible for the development, implementation, direction, evaluation and operation of administrative support systems and services that meet internal operational and managerial needs and externally mandated requirements. Responsibilities also include counseling employees and providing technical assistance, advice and support to managers and supervisors in performing their daily activities. It serves all program elements of the INS.

The elements within this program are required by and operate under the provisions of 5 U.S.C. 2101 - 8913 on Government Organization and Employees, the EEO Act of 1972 and the Age Discrimination Act of 1967 as amended; Public Law 95-454; 31 U.S.C. 66(a)(2)(4) and (c) and 31 U.S.C. 665; 28 CFR 0.138, 0.139, 0.140, 0.159 and 41 CFR supplemented by Department of Justice Orders, General Services Administration, Treasury, General Accounting Office, Office of Management and Budget, and Office of Personnel Management directive and regulations.

Organizationally, the objectives are accomplished through policy development, coordination and control at the headquarters level with delegation of authority to the field as needed to meet management requirements. The accounting, personnel and general services (Procurement and Property Management) components have operating units in the Central Office and counterparts in the four regional offices. Management analysis activity in the regional offices is performed by employees of other programs as a collateral duty. Field activities below the regional level are generally performed by personnel assigned to other programs at these locations who devote all or a portion of their time to administrative support services. Budget formulation and execution are decentralized in that each region requests funds within regional priorities for its geographical area. These requests are reviewed by headquarters and included in the Service-wide budget to the extent permitted by policy direction and fiscal counterparts. These activities currently require a high degree of manual paperwork; however, the development and implementation of automated and/or mechanical processing support systems are being actively pursued.

Each headquarters branch coordinates its own functional activities with the appropriate authority as required by Department of Justice orders, controlling legislation, Federal regulations and program requirements. Many personnel issues require clearance through employee unions. The Associate Commissioner, Management coordinates externally mandated requirements

through assignments to the appropriate program element for action. The responsible program element prepares and disseminates directives to field offices as necessary for compliance and reviews performance. Departmental auditors, the INS, Office of Performance Review, General Accounting Office (GAO) and the agencies that promulgated the requirements periodically review the activities of the program elements to evaluate compliance.

Accomplishments and Workload: Accomplishments of the Administrative Services program are presented in the following table:

Item	1981	1982	Estimates	
			1983	1984
Personnel actions.....	69,794	42,408	77,150	77,150
Position reviews.....	4,277	4,027	5,050	5,050
Disciplinary actions.....	254	342	360	360
Incentive awards.....	1,026	1,965	1,675	1,675
Transactions keyed.....	650,253	600,000	600,000	600,000
Bills.....	42,961	42,550	43,000	43,000
Vouchers.....	99,734	112,472	113,000	113,000
Contracts and leases.....	257	257	275	300
Purchase orders.....	19,920	45,690	50,000	55,000
Collection for fines, fees, etc.....	\$33,011	\$34,003	\$42,000	\$56,000

A high percentage of Administrative Services activities is of a recurring, repetitive nature as a result of the statutory, regulatory, and internal and external requirements under which they operate. Automation of the accounting system and the Civil Service Reform Act of 1978 have had a significant impact on the accounting and personnel activities. Some significant achievements in addition to the work unit completions shown are:

Personnel/Equal Employment Opportunity--

Development and Implementation of a Multi-Year Affirmative Action Program Plan (projected to cover through 1986) which include the input of over 150 key managers and supervisors servicewide.

Servicewide employment of handicapped and disabled veterans increased by 31 and 362 for a total of 54 and 557, respectively.

Major hiring efforts resulted in a total of 298 Border Patrol agent-trainee hires during 1982.

The Upward Mobility program continued to be an active method for career development. Of the 76 current participants, 49 are women and a racial profile shows 29 Blacks, 25 Hispanics and 22 white employees.

Developed in conjunction with the Office of Personnel Management an unassembled examination for the Immigration Inspector occupation to replace PACE as the testing mechanism for these positions, and assumed nationwide examining authority for this occupation.

Twelve new classification standards affecting approximately 700 positions were implemented to improve the position classification and management function.

Procurement and Property Management--

A new manual reporting system was implemented to facilitate central management of motor vehicles.

Automation of motor vehicle information was begun.

Work on determining the appropriate size and composition of the INS motor vehicle fleet was begun.

Policies and procedures to introduce and use seized and forfeited conveyances in the INS motor vehicles fleet were developed and implemented.

Accounting--

Provided emergency cash travel advances within hours to large groups of employees through the use of the U.S. Treasury Financial Communication System.

Reduced the overdue travel advances and outstanding accounts receivable throughout the INS.

Implemented the concept of commitment accounting which permits program managers to establish a reservation for a specific amount of allocated funds to provide for future obligations.

Reviewed and revised the fee structure which represents charges imposed on individuals who seek benefits under the Immigration and Nationality Act.

Developed guidelines for payments made by INS officials for representational purposes including extending courtesies to representatives of foreign countries and funding official activities that further the interests of the Department of Justice.

Arranged for the orderly transfer of collections of immigration fees from INS overseas offices to the Department of State.

Established a current status in the transfer and accountability of capitalized property for the Central Office.

Reconciled the Manual Accounting System with the Financial Accounting Control System (FACS) for all appropriations.

Conducted a financial review of the regional accounting offices.

Developed a report to monitor the payment of the 1931 and 1945 Overtime Acts so as not to exceed the congressional limitation of \$20,000 per employee.

Documented the Financial Accounting Control System (FACS) for Department of Justice and GAO approval.

Developed an experimental inspectional billing procedure which is presently being tested at the Houston port of entry.

Developed a gasoline credit card invoice payment sampling system for the INS.

Activity: Reception, Processing and Care	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease	
	Anticipated			Perm.			Perm.			Pos.	WY Amount
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount		
Reception, processing and care.	\$27,177	...	...	\$27,854	...	...	\$26,655	...	-\$1,199

This activity will be administered by the Immigration and Naturalization Service and provides for the reception of Cuban and Haitian entrants; their transportation to initial holding centers; and processing while they undergo medical and security screening and await resettlement or deportation. Also included are funds for medical services and care for the entrants, both within the centers and in the community for those who are resettled. Approximately \$4.5 million in carryforward funds have been transferred from the Department of Health and Human Services to the Immigration and Naturalization Service in 1983. The responsibility for administering this activity is now consolidated under the Immigration and Naturalization Service.

[The responsibility for this program was transferred from the Department of Health and Human Services to the Department of Justice by Executive Order 12341 dated January 21, 1982. The Department of Justice continues to utilize the expert services of the Public Health Service and the Office of Refugee Resettlement of HHS and the Criminal Division on a reimbursable basis. Primarily, this program supports these services.]

Long-Range Goal: It is this program's goal to protect the general public and local U.S. communities by providing the necessary health care for Cuban/Haitian entrants while in custody and continuing care of the mentally ill in separate and specialized facilities such as the INS/PHS mental health evaluation and treatment facility on the grounds of St. Elizabeths hospital, to review all INS and DDP records and conduct panel hearings on Cuban detainees who entered the United States illegally as part of the Mariel boatlift, determining if they may be released from detention and to prevent any adverse impact on the local U.S. communities as well as the entrants by providing for the assimilation of Cuban/Haitian entrants through effective placement and sponsorship programs.

Major Objectives: The Cuban/Haitian entrant activities conducted by the Public Health Service, the Office of Refugee Resettlement (ORR) and the Criminal Division include these objectives:

1. To assure that all Cuban/Haitian entrants are medically screened for excludable illnesses upon their arrival at various government detention facilities, and to re-examine all entrants who appeal a classification of excludability based on mental disabilities.
2. To provide medical and mental health evaluation and care for Haitian entrants in the custody of the Federal government.
3. To provide medical and mental health evaluations as required of Cuban entrants who are in INS custody or whose parole has been revoked and are being returned to INS custody.
4. To make all necessary and appropriate arrangements for medical and mental health services for Cuban entrants being detained at the INS/PHS mental health evaluation and treatment facility.
5. To provide, arrange and fund placement of mentally ill Cuban entrants into non-Federal psychiatric facilities where these entrants will be provided care while conditionally paroled.
6. To insure that Cuban/Haitian entrant minors, unaccompanied by family members, are provided professional care and assistance in an appropriate atmosphere and to provide eventual sponsorship and placement of these minors.
7. To provide a thorough screening and assessment of each entrant prior to their departure from the various Federal holding facilities.
8. To provide, upon release, immediate and direct Federal assistance to the entrant through placement and essential care activities utilizing various voluntary and private agencies.
9. To provide administrative services in support of the public health care functions of the Cuban/Haitian program in various sites, and to administer the reception and care, along with the placement and resettlement activities throughout the United States of the released entrants. (This function serves to control matters relating to fiscal, contractual and procurement needs and assures careful monitoring of grants, contracts and support requirements.)
10. To administer the Cuban Status Review Panels and process established pursuant to the Attorney General's Status Review Plan.

Base Program Description: Funding for the care and processing of the Cuban/Haitian entrants is authorized by Title V of the Refugee Education Assistance Act of 1980 (P.L. 96-422) and by Executive Order 12341 of January 21, 1982 which transferred these functions to the Department of Justice.

It is the Federal Government's responsibility to detain individuals who enter the United States for immigration purposes without prior inspection. The Government determined that a number of Cuban/Haitian entrants that arrived through the Mariel or other boatlifts were excludable under our immigration laws and that these individuals would be held in custody until their status was adjudicated or their repatriation could be effected. In order to protect the American public interest and our local communities, the Government concentrated and continues to concentrate its efforts on screening, immunizing and providing health care and mental health services in various INS and PHS sites to care for these entrants. In addition, when it is in the general public interest or by court intervention, the Government arranges a sponsorship or placement for the entrants and for any unaccompanied minor among the entrants. These Government resettlement activities concentrate on assuring that the entrant does not become a burden to the local community. Executive Orders and legislation have determined that this is a proper federal role.

In order to minimize the impact on the community and to provide services at a minimum cost, the Government maintains a cooperative program with the Voluntary and State public sector. This cooperative program assists the government in placing and resettling the individual entrants in local communities and housing the more restricted cases in local private or public health care facilities. Federal participation is required to continue such a program.

Accomplishments and Workload: Accomplishments of the Reception, Processing and Care program are presented in the following table:

Activity	Current Population 1/83	1982	1983	1984	Comment
<ul style="list-style-type: none"> Cuban/Haitian Entrant arrivals, parole revocations and apprehensions related to reception and care..... - Cubans..... - Haitians (Krome)..... Medical/mental health services at Krome. <ul style="list-style-type: none"> Average camp population..... Number of clinic visits..... Number of dental visits..... Number of hospital days..... 	 1,113 52 	 617 640 20,000 1,800 6,000	 240 410 12,500 1,150 1,500	 240* 530 16,000 1,500 2,000	<p>Although arrivals decreased and we project an equally low arrival rate in 1983, we cannot predict the impact of the new changes of the parole program (Spellman plan), ultimate Court of Appeal's decisions, nor the success of a new apprehension effort in South Florida.</p> <p>Long term detention increases the utilization of medical and mental health services (up to 10 times that predicted for the U.S. population). Also, many aliens, particularly Haitians, are not in good health when they arrive. TB, parasites, malnutrition, VD, dermatologic, gastrointestinal and respiratory illness occur at high rates.</p>

*Net increase in custody.

Activity	Current Population 1/83	1982		1983		1984		Comment
<ul style="list-style-type: none"> ◦ Cuban Mental Health care (PHS) <ul style="list-style-type: none"> • Residents at St. Elizabeth's • Non-Federal facilities..... ◦ Evaluation of excludable Mental Conditions, annual re-evaluation for Attorney General Status Review panel and re-examinations on appeal. <ul style="list-style-type: none"> • Numbers of evaluations..... • Numbers of appeals..... ◦ Resettlement Assistance to Cuban/Haitian entrants (ORR)..... 		48 123	88 213	88 213	88 185			<p>The Assistant Secretary for Health, HMS is required to convene a three physician medical board to re-examine every alien who desires to appeal a finding of excludability based on a mental disability. Estimates also include Cubans returned to custody because of inclinations committed while on parole.</p> <p>Although the population has decreased it requires a higher placement cost and a more concerted sponsorship effort for the remaining population because the more difficult elements of the population (such as anti-socials, socially dysfunctional and mentally ill) plus secondary resettlement of breakdowns) need to be resettled.</p>
<ul style="list-style-type: none"> ◦ Cuban Status Review Panel <ul style="list-style-type: none"> • File review conducted..... • Review panels conducted..... 		2,400 1,200	7,150 6,500	12,400 11,300				<p>These figures are based upon INS' estimates that by 1984 roughly 10% of the 125,000 Cubans who entered the United States on the Mariel boatlift may be convicted of crimes serious enough to either bring them into the review system for the first time or revoke their prior release from detention, thereby returning them to the system and the status review process.</p>

Since the inception of this program in 1980 approximately 183,000 entrants have been resettled in the U.S. In the first six months of 1982 an average of 300 entrants per month were resettled from the Atlanta, Georgia Federal Correctional Institute (FCI) and the Fort Chaffee, Arkansas facility. In most cases, these resettlements have involved a more difficult group (i.e. anti-socials) especially in the Cuban program. Plans are underway for a necessary effort toward secondary resettlement in South Florida as a result of the concerns voiced by the Governor of Florida and the Vice President.

In 1981, PHS screened 15,000 new arrivals from Haiti and provided basic health services to INS detainees. In 1982 these services included Fort Chaffee for the four months of operation, the Krone North site in Miami and Fort Allen in Puerto Rico, and Building B in the grounds of St. Elizabeths Hospital. At Krone North, the average number of detainees for 1982 was 640; for this population, PHS provided clinic care for approximately 15,000 medical visits, 1,800 dental visits, and 4,500 mental health care encounters. Almost 6,000 patient days of hospital care of TB, medical/surgical problems and psychiatric illnesses were arranged in the community. At Fort Allen, over 30,000 clinic visits, 2,000 dental visits, and 1,300 mental health encounters were provided. Almost 2,000 patient days of hospital care were provided on base in addition to the 700 patient days arranged in a local hospital. In addition, an extensive screening process was undertaken by PHS at Atlanta FCI to determine the status of the mentally ill and antisocial entrants. In addition, PHS was required to renovate and prepare an evaluation and treatment center in a very short space of time in 1982 to house approximately 88 serious mental cases.

Support was provided also to three non-Federal agencies to provide psychiatric and half-way house care, plus inpatient and sheltered MR services to 416 mentally ill and retarded Cuban entrants.

In 1982 a recurring population of 75-80 unaccompanied minors were cared for through contractual arrangements with a professional facility, the bulk of whom were Haitian entrants unaccompanied by family members.

Also in 1982, 30 on site visits or investigations were conducted by the resettlement grants management activity. A total of 28 grants were reviewed with 17 new grants and 16 amended grants being issued.

Since August 1981, approximately 2,500 Mariel Cubans have been or are being processed under the Attorney General's Cuban Review Panel Plan. Of these detainees 1,520 were approved for release, 1410 have been resettled, and 110 have been approved for release but are still awaiting sponsorship. There are 1,050 Mariel Cubans still subject to the Attorney General's review plan, and their cases will be reviewed annually.

Program Changes: There is reflected a reduction for funding 150 FTE's in 1982 to 111 FTE's in 1984. The number of Cubans who are mentally ill and require Federal, or Federally subsidized, care in special facilities is not likely to change in 1984, nor is the number of anti-socials requiring special programs. While there is presently a reduced population of Haitians in custody, we cannot estimate the effect recent court decisions may have on generating a new influx. Furthermore, detention will be instituted for those who violate conditions of parole or who are otherwise found likely to abscond. Finally, new enforcement activities in South Florida are expected to increase the total number of detained aliens, including Haitians, at facilities such as Krone.

Grant issuance for the more difficult placement categories should be constant in 1983 and 1984 in order to achieve the major objectives of the program. We are beginning to see increased broken sponsorships of initially resettled anti-socials. These entrants will be returned to custody. Administrative services in support of health, reception and care, placement and resettlement will therefore remain constant to support these activities. The Department of Justice has tasked HHS, its Office of Refugee Resettlement, and the Public Health Service to provide these services under Executive Order 12341 of January 21, 1982 as provided by Section 501(c) of the Refugee Education Assistance Act of 1980. Consistent with the Executive Order, the Department of Justice must request the necessary funding for these activities within its budget. Reimbursements are then made to ORR, PHS, and the Criminal Division for services rendered to the program.

Continuing at the current level for the program will enable the program to achieve its major objectives.

Immigration and Naturalization Service

Salaries and expenses

Status of Congressional Requested Studies, Reports and Evaluations

In its authorization/oversight hearing on March 25, 1982, the Subcommittee on Immigration, Refugees and International Law requested and was furnished a hiring plan for the remainder of fiscal year 1982. The INS Commissioner was also asked to inform the Subcommittee of the progress being made in the implementation of the hiring plan.

On November 24, 1982 the Commissioner of INS reported to the Chairman of the House Subcommittee on Immigration, Refugees, and International Law and to the Chairman of the Senate Subcommittee on Immigration and Refugee Policy that INS had achieved 98.8% of its hiring goal for fiscal year 1982. This meant that we entered fiscal year 1983 with a full-time, permanent workforce of 9,982 employees.

Immigration and Naturalization ServiceSalaries and expensesPriority Rankings

<u>Base Program</u>		<u>Program Increases</u>	
<u>Program</u>	<u>Ranking</u>	<u>Program</u>	<u>Ranking</u>
Inspections	1	Data and Communications Systems	1
Border Patrol	2	Information and Records Management	2
Adjudications and Naturalization	3	Inspections	3
Information and Records Management	4		
Detention and Deportation	5		
Data and Communications Systems	6		
Investigations	7		
Administrative Services	8		
Executive Direction and Control	9		
Field Management and Support	10		
Reception, Processing and Care	11		
Legal Proceedings	12		
Training	13		
Construction and Engineering	14		
Anti-Smuggling	15		
Refugees and Overseas	16		
Intelligence	17		
Research and Development	18		

Immigration and Naturalization Service
Salaries and Expenses
Detail of Permanent Positions by Category
Fiscal Years 1982 - 1984

Category	1982 Authorized	1983 Authorized	1984		Total
			Trans. in the Estimates	Program Increases	
Attorneys (905).....	322	270	-2	...	268
Deportation and Exclusion Examiners (941).....	12	...	...	...	...
Patrol Specialists (950).....	41	41	...	...	41
Other Legal and Kindred (900- 998).....	347	347	...	...	347
Contact Representative (942).....	287	287	...	...	287
Detention and Deportation Officer (1801).....	708	720	...	...	720
Criminal Investigators (1811).....	1,144	1,144	...	...	1,144
Immigration Inspectors (1816).....	1,767	1,767	...	...	1,767
Border Patrol Agents (1800-1899)	2,574	2,574	...	...	2,574
Other Miscellaneous Occupations (001-099).....	6	6	...	...	6
Social Sciences, Economics and Kindred (100-199).....	27	27	...	...	27
Personnel Management (200-299).....	188	188	...	...	188
General Administrative and Clerical (300-399).....	2,498	2,498	-2	22	2,518
Port Receptionists (301).....	3	3	...	...	3
Accounting and Budget (500-599).....	151	154	...	...	154
Medical, Dental and Public Health (600-799).....	9	9	...	...	9
Engineering and Architecture (800-899).....	74	74	...	...	74
Information and Arts Group (1000-1099).....	30	30	...	...	30
Manufactured Industry Group (1100-1199).....	37	37	...	...	37
Physical Sciences Group (1300- 1399).....	3	3	...	...	3
Library and Archives Group (1400-1499).....	1	1	...	...	1
Mathematics and Statistics Group (1500-1599).....	25	25	...	...	25
Equipment Facilities and Service (1600-1699).....	4	4	...	...	4
Education Group (1700-1799).....	5	5	...	...	5
Supply Group (2000-2099).....	52	52	...	...	52
Border Patrol Pilots (2181).....	63	63	...	...	63
Transportation (2100-2199).....	9	9	...	...	9
Other (MS).....	145	145	...	...	145
Total.....	10,604	10,483	-4	22	10,501
Washington.....	1,103	1,099	-4	22	1,117
U.S. Field.....	9,273	9,152	...	...	9,152
Foreign Field.....	228	232	...	...	232
Total.....	10,604	10,483	-4	22	10,501

Immigration and Naturalization Service
Salaries and Expenses
Summary of Adjustments to Base
(Dollars in thousands)

	Perm. Pos.	Work Years	Amount
1983 as enacted.....	10,483	10,698	\$484,431
Supplementals requested:			
1983 Pay Supplemental requested:			Amount
Increased pay costs.....			113,005
Medicare costs.....			1,947
Amount absorbed.....			-3,689
Net Pay Supplemental.....	...	...	11,263
1983 appropriation anticipated.....	10,483	10,698	495,694
Transfers to and from other accounts:			
Transfer to Executive Office for Immigration Review.....	..	-40	-1,514
Transfer to Civil Division.....	-4	-4	-250
Total, transfers.....	-4	-44	-1,764
Uncontrollable increases:			
Annualization of 1983 pay increases.....	...	...	3,689
Within-grade increases.....	...	...	2,385
Annualization of Medicare costs.....	...	...	657
Retirement contributions.....	...	...	72
Health benefits.....	...	...	1,374
Accident compensation costs.....	...	...	207
Standard level user charges (SLUC).....	...	...	6,267
GSA recurring reimbursements.....	...	...	26
CAP telephone rate increase.....	...	...	384
Telephone system line charges.....	...	...	19
Federal telecommunications system (FTS).....	...	...	52
Full-field investigations.....	...	...	265
GPO printing costs.....	...	...	110
Employee data and payroll services.....	...	...	106
General pricing level adjustment.....	...	...	5,615
Foreign allowances.....	...	...	221
Distributed administrative support (DAS).....	...	...	58
Federal Law Enforcement Training Center (FLETC).....	...	...	460
Total, uncontrollable increases.....	...	...	21,987
Decreases:			
Non-recurring costs of one less compensable day.....	...	...	-986
Non-recurring costs for change in hourly rate.....	...	...	-772
Non-recurring costs of full-field investigations provided for 57 positions in 1983.....	...	...	-74
Non-recurring costs of transfers and moving expense.....	...	...	-366
Non-recurring costs of equipment.....	...	...	-94
Total, decreases.....	...	...	-2,292
1984 Base.....	10,479	10,654	513,605

Immigration and Naturalization Service

Salaries and Expenses

Justification of Adjustments to Base (Dollars in thousands)

	Perma. Pos.	Workyears	Amount
<u>Transfers to and from other Accounts:</u>			
1. Transfer to Executive Office for Immigration Review..... This transfer is for the purpose of creating a new Executive Office for Immigration Review (EOIR) per the recommendations of the Select Commission on Immigration and Refugee Policy and the Department of Justice's Evaluation Staff.	...	-40	\$-1,514
Transfer to Civil Division..... Transfer is to support immigration litigation activities within the Civil Division.	-4	-4	-250
Total transfers.....	-4	-44	-1,764

Uncontrollable Increases:

1. Annualization of 1983 pay increases.....
This provides for annualization of the October 3, 1982 pay increase contained in Executive Order 12387. Of the pay raise requirement of \$13,005,000, \$3,689,000 was absorbed in 1983.
2. Within-grade increases.....
This request provides for an expected increase in the cost of within-grade salary increases. This increase is generally consistent with increases experienced within recent years and is approximately one percent above the base for compensation and related benefits for permanent employment. (Personnel compensation \$2,182,000 and benefits \$203,000. = \$2,385,000.)

	No. of GS Pos.	Annual Salary Rate	Pay at Base of Grade	Cost of Within Grades	Lower Pay Scale Adjust.	Adjusted Cost of Within Grades	Change from 1983
FY 1984	10,255	233,890	207,535	26,355	...	26,355	2,182
FY 1983	10,239	231,031	206,858	24,173	...	24,173	2,614
FY 1982	10,450	232,689	211,130	21,559	104.8	21,559	3,544
FY 1981	10,639	219,035	201,020	18,015	109.1	18,015	4,000
FY 1980	10,707	196,293	182,278	14,015	114.2	14,015	-2,232

Perm. Pos.	Workyears	Amount
3. Annualization of medicare costs..... This provides for full funding for the 1.3 percent Federal share of the Medicare Hospital Insurance tax to Federal employees as required by P.L. 97-248, the Tax Equity and Fiscal Responsibility Act of 1982. The request of \$657,000 covers the period from October 1 to December 11 which was not funded in 1983.	...	\$ 657
4. Retirement Contributions - Social Security (FICA)..... The requested adjustment permits funding of an increase from \$29,700 to \$31,000 in the base on which earnings for Social Security is calculated. It also funds the rate increase from 6.65 percent to 6.70 percent. An increase of \$72,000 is requested over the 1983 base. After the submission of the budget request, it was found that the maximum salary subject to Social Security taxation was increased to \$32,400 and that the maximum annual employee contribution increased from \$1,975 to \$2,171. These increased costs will be absorbed in 1982 and 1983.	...	72
5. Health benefits costs..... The Federal Employees Health Benefits Act (P.L. 93-246) provides that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. The requested increase of \$1,374,000 provides for payment of the 16.2 percent over the \$8,481,000 now available	...	1,374
6. Federal Employees Compensation Act (FECA) - Workers' Compensation..... The increase reflects the billing provided by the Department of Labor for the actual costs in 1982 of employees' accident compensation. The 1984 amount will be \$2,822,000 or, \$207,000 over the 1983 estimate of \$2,615,000.	...	207
7. Standard Level User Charges (SLUC)..... Section 108 of P.L. 97-377, Continuing Resolution for 1983, prohibits agencies from paying the General Service Administration (GSA) a higher rate per square foot for the rental of space and services in 1983 than they paid in 1982. In keeping with the Administration's policy that charges for space shall be consistent with market rates, the request includes \$5,484,000 to restore cuts made in 1983 and \$783,000 relates to 1984 price level adjustments and the annualization of the 1983 space inventory.	...	6,267
8. GSA Recurring Reimbursable Services..... Payments for heating, ventilation and air conditioning, and guard service over normal requirements are made to GSA on a reimbursable basis. An increase of 2 percent in 1984 based on 1983 estimated costs of \$1,337,000 yields an uncontrollable increase of \$26,000.	...	26

	Perm. Pos.	Workyears	Amount
9. CAP telephone rate increase..... Effective April 21, 1982, the Chesapeake and Potomac Telephone company was granted a rate increase of 19.6 percent for equipment and installation charges in the Washington metropolitan area. This results in an increase of \$19,000 in 1984.	\$ 19
10. Telephone system line charges..... The cost of providing CENTREX telephone switchboard service to Department users will increase from \$20.10 to \$27.66 per telephone line. A 19.6 percent increase was granted to CAP in 1982, additionally a 30 percent increase is proposed for 1983. An uncontrollable increase of \$52,000 over the 1983 base of \$137,966 is required to cover the higher rates in 1984.	52
11. Federal telecommunications system (FTS)..... The FTS increase reflects the advance billing provided to the Department of Justice by the General Services Administration. In 1984, the uncontrollable increase will be \$384,000 over the 1983 base of \$2,698,000.	384
12. Full-field investigations..... The Office of Personnel Management (OPM) has notified users of a \$150 increase in the standard rate charged for each full-field investigation over the 1982 base cost of \$1,300. The uncontrollable increase is calculated on an accession of 1,774 persons per year for a total cost of \$265,000.	265
13. GPO printing costs..... The Government Printing Office (GPO) is currently projecting a five percent increase over the 1983 printing cost of \$2,192,000. An additional \$110,000 will be required in 1984.	110
14. Employee data and payroll services..... Centralized employee data and payroll services are provided to most departmental organizations. Charges for these services, which include information systems maintenance and payroll accounting, are based on the number of employees paid. The rate of \$110.00 per employee in 1983 has been raised to \$120.94 for 1984. The uncontrollable increase of \$106,000 is based on 9,689 authorized positions.	106

684

	Perm. Pos.	Workyears	Amount
15. General pricing level adjustment.....	\$ 5,615
This request applies to OMB pricing guidance as of December 1982 to selected expense categories. The increased costs identified result from applying a factor of 5.3 percent against those subject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, transportation costs and utilities. Excluded from the computation are categories of expense where inflation has already been built into the 1984 estimate.			
16. Foreign allowances.....	221
Allowances for Government employees in foreign areas are determined by the Department of State. The State Department anticipates a 20 percent increase in 1984. The requested increase of \$221,000 provides 20 percent more than the \$1,106,000 budgeted for 1983.			
17. Distributed Administrative Support (DAS).....	58
The 1983 DAS base of \$580,000 was multiplied by the anticipated increase of 10 percent for an uncontrollable increase of \$58,000.			
18. Federal Law Enforcement Training Center (FLETC).....	460
Services previously provided students at FLETC have been reduced. Additional costs must now be incurred by the INS in areas of food, lodging, travel, per diem, etc. For each journeyman officer class of 24 students, \$30 of additional funds are required. There are 12 of these classes scheduled for an uncontrollable increase of \$360,000. In addition, 7 supervisory and managerial classes of 24 students each, are scheduled and require a total additional \$100,000 in expenditures. The total uncontrollable increase requested is \$460,000.			
Total uncontrollable increases.....	21,967
<u>Decreases (Automatic non-policy):</u>			
1. Non-recurring costs of one less compensable day.....	-986
2. Non-recurring costs for change in hourly rate.....	-772
3. Non-recurring costs on full-field investigations provided for 57 positions in 1983.....	-74
4. Non-recurring costs of transfers and moving expense.....	-366
5. Non-recurring costs of equipment.....	-94
Total decreases.....	-2,292
Total, Adjustments to base.....	-4	-44	17,911

Immigration and Naturalization Service

Salaries and Expenses

Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and salary ranges	1983 Estimate		1984 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
Executive Level IV, \$67,200.....	1	...	1	...	...	...
ES-5, \$65,500.....	1	...	1	...	...	...
ES-4, \$63,800.....	12	...	12	...	...	...
ES-3, \$61,515.....	4	...	4	...	...	...
ES-2, \$59,230.....	2	...	2	...	...	...
ES-1, \$56,945.....	12	...	12	...	...	...
GS/GM-15, \$48,553-63,115.....	126	...	126	...	...	...
GS/GM-14, \$41,277-53,661.....	410	...	408	...	-2	...
GS/GM-13, \$34,930-45,406.....	459	...	464	...	5	...
GS-12, \$29,374-38,185.....	757	...	765	...	8	...
GS-11, \$24,508-31,861.....	1,639	...	1,640	...	1	...
GS-10, \$22,307-29,003.....	43	...	43	...	...	...
GS-9, \$20,256-26,331.....	2,755	...	2,756	...	1	...
GS-8, \$18,339-23,838.....	119	...	119	...	-2	...
GS-7, \$16,559-21,527.....	622	...	620	...	1	...
GS-6, \$14,901-19,374.....	677	...	678	...	6	...
GS-5, \$13,369-17,383.....	1,236	...	1,242	...	...	...
GS-4, \$11,949-15,531.....	894	...	894	...	...	...
GS-3, \$10,645-13,840.....	473	...	473	...	...	...
GS-2, \$ 9,756-12,278.....	25	...	25	...	...	...
GS-1, \$ 8,676-10,857.....	2	...	2	...	...	...
Ungraded positions.....	214	...	214	...	...	...
Total, appropriated positions.....	10,483	\$253,399	10,501	\$253,979	18	\$580
Pay above stated annual rates.....	...	1,085	...	...	...	-1,085
Lapses.....	-456	-23,394	-494	-23,013	-38	381
Net savings due to lower pay scales for part of the year.....	...	-33	...	...	...	33
Net permanent.....	10,027	231,057	10,007	230,966	-20	-91

Immigration and Naturalization Service

Salaries and Expenses

Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object class	1983 Estimate		1984 Estimate		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Permanent positions.....	10,027	231,057	10,007	230,966	-20	-91
11.3 Positions other than permanent:						
Part-time permanent.....	66	1,164	104	1,788	38	624
Temporary employment.....	293	5,906	286	6,727	-7	821
Other part-time and intermittent employment.....	312	4,171	312	4,171	...	...
11.5 Other personnel compensation:						
Overtime.....	575	9,395	575	10,119	...	724
Administratively uncontrollable overtime.....	670	13,901	670	13,901	...	...
Other compensation.....	1,729	8,511	1,728	8,511	-1	...
1931 Act Overtime.....	279	48,411	279	13,611	...	5,200
11.8 Special personal services payments.....	...	241	...	233	...	-8
Total, workyears and personnel compensation.....	13,951	282,757	13,961	290,027	10	7,270
12 Personnel benefits.....	...	36,760	...	39,220	...	2,460
13 Benefits to former personnel.....	...	288	...	1,050	...	762
21 Travel and transportation of persons.....	...	27,195	...	29,411	...	2,216
22 Transportation of things.....	...	2,466	...	2,615	...	149
23.1 Standard level user charge.....	...	17,840	...	25,375	...	7,535
23.2 Printing and reproduction.....	...	19,036	...	19,281	...	245
24 Communications, utilities and other rent.....	...	3,182	...	3,387	...	205
25 Other services.....	...	81,465	...	86,811	...	5,346
26 Supplies and materials.....	...	19,634	...	20,211	...	577
31 Equipment.....	...	11,419	...	21,631	...	10,212
32 Lands and structures.....	...	646	...	146	...	-500
42 Insurance claims and indemnities.....	...	27	...	27	...	...
44 Refunds.....	...	19	...	19	...	...
91 Unvouchered.....	...	50	...	50	...	...
Total obligations.....	...	502,764	...	539,261	...	36,497
Unobligated balance available start-of-year.....	...	-2,537	...	...	...	2,537
Unobligated balance transferred from other accounts.....	...	-4,533	...	...	...	4,533
Total requirements.....	...	495,694	...	539,261	...	43,567
Relation of obligations to outlays:						
Obligations incurred (Net).....	...	502,764	...	539,261	...	...
Obligated balance, start-of-year.....	...	67,507	...	60,891	...	...
Obligated balance, end-of-year.....	...	-60,891	...	-65,266	...	...
Outlays.....	...	499,380	...	534,896	...	...

GENERAL STATEMENT

Mr. EARLY. We are pleased to have with us again this year Mr. Alan C. Nelson, the Commissioner of the Immigration and Naturalization Service. Mr. Nelson, I understand you have a prepared statement. Proceed in your own way.

Mr. NELSON. Thank you, Mr. Chairman. It is a pleasure to be here. I would like to submit for the record the full statement, and I will just summarize a few of the points from it, and then I will be pleased to respond to any questions.

As you indicated, I am pleased to appear on behalf of the Immigration and Naturalization Service with respect to the 1984 budget request for \$539,261,000 which represents 10,501 positions.

As indicated, the increase in this budget primarily relates to areas of automation that are so important for the government to be effective, including the establishment of the National Records Processing Center, the Eastern Regional Telephone Services Center and the upgrading of the ADP program.

MAJOR GOALS

In the past year or so we have focused on three major goals within the Immigration Service, legislative reform, policy leadership, and effective management. Certainly nothing is more important to us now than the legislative reform, which of course is proceeding in both Houses of Congress. It is critically important that we pass this legislation to regain control of our borders, and establish an orderly immigration process.

As you know, Mr. Chairman, the 1984 budget request does not include funding estimates for the implementation of this new legislation. We have provided some cost estimates to Chairman Mazzoli of the Immigration Subcommittee, and we are working with the Office of Management and Budget in developing cost estimates for other reforms.

In INS in the past year or so we have added a number of new individuals in key management positions to provide efficiency. We have proposed and adopted a series of management improvements, including a management by objective system, streamlining our original office structure, consolidating major program functions, and establishing a decisionmaking system.

RECENT ACCOMPLISHMENTS

In the substantive area, we have particularly targeted enforcement efforts to be more effective, streamlined our adjudications processing to reverse mounting backlogs, and improved our information collection, storage and management resources. Certainly the budget request is directed particularly in this area.

In enforcement, we have had in this past year an 11.8 percent increase in interior apprehensions, and the percentage of employed that were apprehended has jumped from 49 to 57 percent. For example, during the last fiscal year, INS conducted project jobs, which apprehended, in a week's trial period, over 5,000 illegal aliens earning an average of \$4.81 per hour. There was a tremendous demand for these vacated positions by citizens and lawful

aliens. We think that project effectively demonstrated that many illegal aliens are holding attractive paying jobs, and this, of course, reemphasizes the need for employer sanctions in new legislation.

Border patrol apprehension figures are up dramatically, particularly in the last number of months. We are seeing a trend now averaging about 30 percent above last year. Much of this, of course, relates to the economic situation in Mexico.

We have, partly due to some 1982 budget amendment monies, been able to effectively utilize border patrol task forces and details to deal with the influxes in the pressure areas, and this approach has disrupted some of the alien entry patterns, particularly the smuggling efforts. We have directed a great deal of attention to smuggling.

There has also been an increased use of technology. We have added helicopters. We have had new night scopes that are much more effective along the border. As I noted, we have focused a great deal on the smuggling of aliens, and focused on major violators. The prosecution of major smugglers rose 14 percent during this past year, and over 82 percent of those prosecuted resulted in convictions, and 34 percent of those convictions were for felonies. That is up from 12 percent, so it is a significant increase.

Last year INS broke up one of the largest smuggling organizations, the Villasana organization, which had earned an estimated \$24 million over seven years by smuggling more than 3,000 aliens annually. We think we have been effective and, of course, plan to improve our efforts.

We have confiscated many more vehicles. Last year we seized more than 5,000 cars, which is double the number in 1981. The value of these vehicles was over \$12.6 million.

COORDINATION WITH OTHER AGENCIES

In the area of coordination with other agencies, we are attempting again, tied in largely to the data processing operations, to effectively work with Social Security, and the Department of Labor, as two examples. We have an agreement with Social Security where they will be turning over records to us from their computers of aliens who had unauthorized earnings reported on non-work Social Security numbers. This will be an added enforcement tool. Similarly with the Department of Labor, we are obtaining inquiries and information from State Employment Service offices regarding the validity of unemployment claims made by aliens.

The Justice Management Division, Department of Justice, has conducted a study on our intelligence program, and we are in the process of initiating a number of changes in that area. A number of the computerized programs that I alluded to have been implemented. We now have an automated deportable alien control system for the detention program. We have also proceeded with a number of other systems which I will note in a minute.

INS has worked cooperatively with the Bureau of Prisons on a number of our detention issues, and we have just recently approved and are starting forward with the site acquisition for a new 1,000-bed facility in Oakdale, Louisiana for alien detention. This site will

also give us a contingency use for another 5,000, should we have an increased need.

We are working with the Coast Guard in Boston, for example, to obtain other detention space in the Northeast, which is so important. We may acquire a facility from the Bureau of Prisons in Florence, Arizona which they no longer need that we can use for alien detention in the Southwest.

PUBLIC SERVICE AREAS

I have generally been talking on enforcement. I might turn now to the public service aspects of our program. In improving our service we have added a substantial number to the immigration tape system for telephone tape responses. That has been placed in seven offices last year, and the eighth is beginning service about now; and San Diego, Chicago and Houston will receive it in the next few months. This allows us to substantially increase the number of people served by telephone, and in turn decreases the number of people walking into the waiting room and the waits that occur there.

We are effectively using regional remote processing centers for adjudicating cases, and have recently opened two new such centers.

In the last year we adopted a uniform six-month admission policy for admissible visitors under the B-2 visa applications, and that has been effective. We have merged adjudication and naturalization into one division effective January 1 of this year, which can be more effective in processing our naturalization and general immigration petitions.

OTHER ACCOMPLISHMENTS

As I mentioned earlier, some of our automated areas, the non-immigrant information system has just in the last few months gone up and is working. We have already processed over two million documents and are making access to this through computer terminals in our offices.

In the fiscal area, we have reviewed and published in the Federal Register proposed user fee changes, revising our fee structure to make it more current and recover costs, and we anticipate in 1984 fee collections under the new schedule to exceed \$50 million as compared to \$21.4 million in 1982. This is a significant increase to bring us up to date there.

In the legal area, we have made a number of important changes. As indicated, naturalization, which was frequently handled by lawyers, will be handled by non-attorney examiners, using the lawyers to work in the litigation arena. We have established within the Civil Division of the Justice Department an Office of Immigration Litigation, which was an outgrowth of a task force that we developed to work with many of the cases in Florida, to give us more legal capability to coordinate the very significant immigration litigation cases.

The immigration judges were transferred effective January 9, 1983 from INS to a new organization entitled "Executive Office for Immigration Review." This was an important management change that we feel gives the judges more independence and ties them in

with the Board of Immigration Appeals to effectively process the immigration cases.

Again, Mr. Chairman, I think we have made some significant accomplishments and gains over the past year, and we look forward to the continued implementation of these goals in this coming year, and we appreciate the opportunity to be before you to review our proposed budget.

Thank you.

[The prepared statement of Alan C. Nelson follows:]

STATEMENT

OF

ALAN C. NELSON
COMMISSIONER
IMMIGRATION AND NATURALIZATION SERVICE

Chairman Smith and members of the Subcommittee:

This has been a watershed year for INS. Last year, I established some future goals and priorities. I am pleased to report that we have made progress on many of our improvements. We are now ready to implement this year's budget request and meet the challenges of any new legislation. I am pleased to have the opportunity to appear before you in support of the 1984 budget request for \$539,261,000 and 10,501 positions.

The 1984 budget request for the Service reflects current services plus a program increase of \$25.7 million and 22 permanent positions. The major themes included in this request are the implementation of automation, the establishment of the National Records Center and the Eastern Region Telephone Center. Also included are the inspections requirements associated with the new port of entry at Otay Mesa, California. The specific increases by program are:

- ° Data and Communications Systems - \$16.5 million and 22 permanent positions increase for data systems and \$3.7 million increase for communications systems.
- ° Information and Records Management - \$10.1 million increase for National Records Processing Center and \$719,000 increase for Eastern Regional Telephone Services Center.
- ° Inspections - \$5.2 million increase to meet 1931 Act overtime expenditures and \$640,000 increase for the new land border at Otay Mesa.

Three goals have guided our strategy and priorities: legislative reform, immigration policy leadership, and effective management. These goals have provided the basis for developing the specific details for implementation and administration of individual INS programs.

Of these goals, none is more important or urgent than legislative reform. There is a general consensus that reform of our immigration laws is essential to the future effectiveness of INS. Congressman Mazzoli and Senator Simpson have recently reintroduced their legislative proposals and I was pleased to testify on behalf of both of these proposals within this month. The passage of reform legislation which addresses the issues of employer sanctions, increased enforcement resources, reform of exclusion and asylum procedures, streamlining of the current H-2 program, and legal permanent residence for aliens is critically important to our ability to begin the process of regaining control of our borders and establishing an orderly immigration process.

The 1984 resource request does not include funding estimates for the implementation of new legislation. We will continue to work closely with the Department of Justice and OMB in developing cost estimates for any such reforms.

To provide leadership for immigration policy, great emphasis has been placed on interagency cooperation and coordination. This has led to the consideration and mitigation of mutual concerns and problems affecting INS and

the Departments of State, Labor, Health and Human Services, Treasury and Agriculture. Such cooperation is essential if an effective national immigration policy is to be implemented.

Over the last year, we have added a number of new individuals to key management positions at the INS. These new members of the top management of the Service provide fresh insight into many of the challenges facing our agency.

During the last fiscal year, I proposed a series of management improvements affecting a broad range of activities in our organization. Some of these management and organizational changes include:

- establishing a management-by-objectives system with Service managers being evaluated on specific goals and priorities assigned to them;
- streamlining the regional office structure and clarifying the role of the regions; and
- consolidating compatible program functions to provide more effective agency management.
- implementing a decision making system to involve all members of top management in a more effective process of considering changes in INS policy.

We have also emphasized targeted enforcement, streamlined adjudications processing to reverse mounting backlogs, and improved our information collection and storage and the overall management of resources.

At this time I would like to describe some of our significant achievements.

ENFORCEMENT

We have begun to target our enforcement resources for greatest effectiveness. During 1982, we shifted some investigators from casework, so that 50 percent of our investigative resources could be devoted to Area Control. This change in emphasis resulted in an 11.8 percent increase in interior apprehensions, and the proportion of aliens apprehended who were employed jumped from 49 to 57 percent.

Project Jobs was another example of targetted use of enforcement resources. This five-day nationwide interior enforcement effort in nine cities resulted in the apprehension of over 5,000 illegal aliens earning an average wage of \$4.81 per hour. This operation demonstrated a firm commitment by INS to its mission of interior enforcement which in recent years had been adversely affected by manpower restrictions caused by events such as the Iranian student registration program, the Cuban boatlift, and the 1980 Census. Project Jobs was designed to remove illegal aliens from jobs paying above minimum wage that would be attractive to unemployed U.S. workers. It was also accompanied by an effort to advise employment agencies of vacated positions. Most locations reported a strong demand for the vacated positions. In Los Angeles, 1,000 persons showed up the next day for 82 positions at a plumbing factory. Overall, the results, as expected, exhibited a combination of illegal alien rehires, new illegal hires, and U.S. citizen hiring. This operation demonstrated that illegal aliens are holding attractive paying jobs and re-emphasized a need for employer sanctions.

Border Patrol apprehension figures are up dramatically all along the Southern Border--30% above last year. Each month since August has produced the highest apprehensions for that month since 1953. Entry rates are expected to remain high until improvements in the Mexican economy are realized.

Using money made available in the 1982 Budget Amendment, the Border Patrol has sent task forces into areas where higher than normal illegal alien activity has been observed or is expected. During the last several months, details have been conducted in Laredo, Del Rio, and Chula Vista sectors. Agents have enhanced linewatch, traffic check, and city patrol enforcement. Illegal activity tends to drop off in these areas during and after such operations, indicating that alien entry patterns have been disrupted. Intelligence indicates that smuggling efforts are also interrupted and the disruption continues for several weeks after the detailed officers have left the area.

Increased use of technology is also improving our effectiveness. Helicopter operations have been expanded at Chula Vista and El Paso and the addition of helicopters to the Yuma, Tucson and Del Rio sectors has aided our night surveillance immeasurably.

The Chula Vista Sector has also put into operation six new, state-of-the-art, infrared nightscopes. These portable, long-range surveillance devices can detect persons at night with no light present. They rely upon the heat generated by a live body, and are capable of spotting a person in rain, fog

and darkness at a distance up to three miles. Mounted on pickup trucks, they are highly mobile, and capable of being put into operation immediately upon arrival at a new site.

Our anti-smuggling efforts were focused on major violators. From 1981 to 1982, the number of low-level smugglers cases presented for prosecution decreased over 30 percent, while prosecution of major smugglers rose by 14 percent. This past year over 82 percent of all prosecuted smuggling-related cases resulted in convictions. Thirty-four percent were for felonies, up from 12 percent four years ago. Almost half of these were for conspiracy. In July, we announced the breaking of the Villasana Organization (named for its hotel headquarters in Juarez, Mexico), which had earned an estimated \$24 million over seven years by smuggling more than 3,000 aliens annually. Thirty-eight persons were indicted and the Mexican national who directed the operation from Juarez was sentenced to fifteen years. The primary principal smugglers from the New Mexico dispatch point were sentenced to ten and five years.

Taking advantage of the law that enables the Service to confiscate vehicles used to smuggle illegal aliens into the country, INS seized more than 5,000 cars, trucks, motor homes, boats, and other conveyances in 1982. This was double the number seized in 1981. Seizure of these vehicles, worth \$12.6 million, resulted from greater emphasis on large smuggling organizations, which often meant that several vehicles were seized at one time.

Seizure of the vehicles was a major part of the INS effort to curtail the lucrative alien smuggling racket.

Two memoranda of understanding, with the Social Security Administration and with the Department of Labor, represent our efforts to improve enforcement through interagency cooperation. We have secured from the Social Security Administration the records of 326,280 aliens who had earnings reported on their non-work Social Security numbers in the past nine years. This data will be processed to produce data concentrations of illegal aliens at places of employment. With the Department of Labor, we have agreed to be responsive to inquiries from state employment service offices as to the validity of unemployment claims made by aliens. As you know illegal aliens are not eligible for unemployment insurance. In a one month test in Illinois last spring, that state estimated that these checks would save them the equivalent of \$56 million per year in payments to illegal aliens.

In March 1982, INS requested that the Evaluation Staff of the Justice Management Division conduct a study to assess the organization and operation of the Intelligence program. That study is now complete, and we are in the process of initiating the changes recommended by the Department of Justice.

Implementation of these recommendations, including a reorganization of the Intelligence function and development of a comprehensive long-range program plan, will enable INS to provide the information and intelligence necessary to support INS operational staffs and top management.

In the Detention and Deportation program, the pilot automated Deportable Alien Control System (DACS) has been successfully implemented in San Diego and in the El Centro Service Processing Center. Basically, this interim system automates the docket in our docket control offices, and tracks bookings and book-outs at Service Processing Centers. The system generates routine and ad hoc reports, and will improve the accuracy and currency of the docket and detention booking data.

INS and the Bureau of Prisons have worked closely together over the last several months preparing for the site acquisition and construction of a new 1,000 bed facility. Oakdale, Louisiana, has been selected by the Department of Justice as the location for the new detention center and INS and BOP officials recently traveled to Oakdale to evaluate potential sites.

Since the new facility will not be operational until 1985, INS is currently considering a number of options for expanded detention capabilities.

An agreement has been negotiated with the U.S. Coast Guard in Boston which will provide INS space in their existing facility. This space will be used to house INS detainees. INS is proceeding with major renovations at the Krome North Service Processing Center. These renovations include construction of kitchen facilities, expanded water and sewage systems and other general improvements. INS has also recently visited the BOP Florence Detention Center with a view towards acquiring the facility. This acquisition would enable INS to meet a critical and growing need for detention space in the Southwest.

SERVICE TO THE PUBLIC

A major emphasis by INS to improve our service to the public and eliminate backlogs has led to a number of achievements

- ° The "Ask Immigration" tape library system which provides callers with information on immigration and citizenship matters has been very successful and its usage is being expanded. Placed in seven offices last year, an eighth district office, San Diego, has begun this service and Chicago and Houston will receive it in March and April. This has resulted in a substantial increase in a number of people served by telephone. At the same time, there has been a decrease in the number of people who now walk into INS waiting rooms seeking general immigration and naturalization information.
- ° Two new regional remote processing centers have been opened in Dallas, Texas; and Lincoln, Nebraska. This expansion was recommended by the efficiency obtained by a pilot project in adjudicating any type of application or petition not requiring an interview. With the centers located away from the parent office, interruptions such as answering telephones or handling other assignments are eliminated, and officers are able to devote full time completing the adjudication.
- ° INS has adopted a uniform six month admission policy for admissible B-2 visitors. This will greatly reduce the extension of stay workload and permits INS to concentrate its limited resources on applications and petitions for more significant immigration benefits. INS merged

Adjudications and Naturalization into one division effective January 1, 1983. Responsibility for the legal aspects of naturalization work has been transferred to the General Counsel, and a single non-attorney officer position has been created to do both adjudications and naturalization work. This will give the INS more flexibility in deploying its human resources and enable us to accomplish naturalization work using lower-graded employees. We have already taken advantage of this opportunity by shifting Adjudications and Naturalization positions among regions to better align work force with workload.

INS has just placed in operation a new automated Nonimmigrant Information System (NIIS) which will, for the first time, enable the Service to keep an accurate accounting of aliens entering and leaving the United States. The procedure entails the use of a newly developed arrival/departure record (revised Form I-94), which every alien entering the U.S. must complete.

All ports of entry have been converted to the new system, using both regular mail and special courier service to deliver documents to the processing centers in New York, Los Angeles, and Miami as quickly as possible after receipt. Since its January 1, 1983 start-up, NIIS has received over 2 million documents. It is anticipated that by May 1, 1983, document processing will reach an acceptable rate of thirty days for routine records and ten days for special interest groups. INS field offices have access to this information through computer terminals.

In keeping with the Administration's high priority placed on ensuring that services provided by the Federal government are covered by appropriate user charges, the Service has revised its fee structure and provided a means for appealing parties to obtain transcripts of hearings commercially. The revised fees will more nearly reflect the current recovery cost of providing benefits and services and will be more equitable to both the taxpayers and the recipients. Breaking the fees into five categories has made it easier to explain, remember, and process the fees. The new fee schedule for INS was proposed and published in the Federal Register. The final rule will be published shortly. INS fee collections should exceed \$50 million during 1984 as compared to \$21.4 million in 1982. All these fees go into the General Fund.

LEGAL IMPROVEMENTS

Significant improvements have been made in our legal program over the past year. First, the INS is completing a process begun several years ago, the Naturalization program has been merged with the Adjudications Division, and the non-legal aspects of naturalization will be handled by non-attorney examiners. This will allow INS attorneys to concentrate on the formidable legal challenges facing the agency, especially in the areas of providing advice and support to operating personnel in the field and assisting in the presentation of Federal Court litigation.

The Office of Immigration Litigation has been established in the Civil Division to improve the government's ability to respond to civil immigration litigation in Federal Courts on a nationwide basis. The creation of this unit was the outgrowth of a task force in which I participated along with the Associate Attorney General, the General Counsel, and the Assistant Attorney General for the Civil Division. The success of the task force approach led to the creation of this new unit. INS has contributed four attorneys to this effort on an annual detail basis, in addition to the normal litigation support provided by INS.

Finally, effective January 9, 1983, the immigration judges were transferred from the INS to a new organization known as the Executive Office for Immigration Review. The new organization also contains the Board of Immigration Appeals, and is headed by David Milhollan, who also serves as the Chairman of the Board. A new Chief Immigration Judge has been appointed, and we have been informed that his office is hard at work drafting a proposed revision of the rules of procedure for immigration courts. We expect to see a substantial improvement in the immigration hearing process as a result of these changes.

In summary, I give you my commitment to continue to provide strong leadership and aggressive implementation of the goals we have established for INS, and I look forward to working closely with this committee in furthering INS accomplishments. I thank you for your interest and attention and will answer any questions you may have at this time.

LANGUAGE CHANGES

Mr. EARLY. Thank you, Mr. Nelson. Let us first consider the suggested language changes. The justifications indicate that you are again proposing a change in the appropriation language to increase the amount which may be paid to aliens who work while being held in INS detention facilities. How much of an increase in the rate are you proposing, in view of the fact that Congress has not approved such a change for about four years now? Why are you proposing a change here?

Mr. NELSON. Could I ask Mr. Arnold, the Comptroller, to deal with that question.

Mr. ARNOLD. Yes, sir, the rate increase would go up from \$1 a day to \$4 a day. The last time when the \$1 a day rate was established was 1948. Clearly \$1 doesn't buy very much anymore. There is no incentive for a person to volunteer to do that work.

Mr. EARLY. Are you going to add anything that might encourage the Committee to go along with this change?

Mr. ARNOLD. This is the first time it has been proposed I believe, Mr. Chairman. Was it proposed before?

Mr. EARLY. Why don't you expand on this request for the record, and include an explanation of any changes from your proposals of the last three years.

Mr. ARNOLD. We will certainly do that.

[The information follows:]

INCREASED PAY FOR ILLEGAL DETAINEES

The current rate of \$1 per day was established in 1948, and 36 years later, in fiscal year 1984, this rate will simply be insufficient to encourage detainees to work while being held in INS Service Processing Centers. Without an adequate incentive, INS must either contract to have the required work done or lure someone to do it. Even at \$4 per day, it would be more cost effective for the government to have this work performed by detainees than by INS employees or contract workers. Inmates in Federal Prison Industries are paid wages ranging from \$.42 to \$1.05 an hour.

CUBAN AND HAITIAN ENTRANTS

Mr. EARLY. The proposed appropriation language also includes a change relating to section 501 of the Refugee Education Assistance Act of 1980 as it relates to the processing and care of Cuban and Haitian entrants. Could you explain to the Committee the need for this provision, Mr. Nelson?

Mr. NELSON. Again, we are getting into some fairly technical budget matters, if I could ask Mr. Arnold to respond to that.

Mr. EARLY. Any member of your staff can answer that.

Mr. NEILL. This is based on the transfer of the responsibilities under the original Fascell-Stone amendments. This allows no-year funding, as in the original funding I guess for Health and Human Services. It was not in the language for INS prior to this.

NATIONAL RECORDS CENTER

Mr. EARLY. You are also proposing language which would permit funds requested for establishing a National Records Center, in implementing a long-range data processing plan, to remain available through the end of fiscal year 1985. In view of the fact that the Im-

migration and Naturalization Service has experienced severe problems in recent years in upgrading its record-keeping capabilities and developing an effective automated data processing system, is it prudent to provide language making funds for these projects available beyond the end of fiscal year 1984?

Mr. NELSON. We think so, Mr. Chairman. Certainly, as you know, there has been a tremendous amount of work in the last few years in the Immigration Service, in working closely with a number of Congressional Committees, OMB and others, to be sure we have an effective long-range data processing program. We think that is moving along well and effectively, and it has been reviewed at many levels.

This year we do have, of course, substantial money, approximately \$20 million for the upgrading of data processing, and \$10 million for the National Records Center, so that we can consolidate these records in an effective way and be able to use data processing to gather information and not have the tremendous problem with millions of paper files.

We think we are making good progress. The question of two-year availability relates to the fact that acquisition of major data processing equipment takes time, and you don't always have the flexibility to do it in one year, so we think it is quite appropriate to have the flexibility to allow us to spend it in a two-year period, if necessary.

FUNDING FOR SIMPSON-MAZZOLI BILL

Mr. EARLY. In your opening remarks on legislative reform, you said that there was no money in this budget to implement that program. What is the estimated cost of implementing the reform proposal?

Mr. NELSON. I might comment as I am looking for that, certainly the Attorney General has made it clear in his testimony that the Administration firmly supports the reform legislation and will in fact proceed for supplemental funding or budget amendment as appropriate to fund it, so there is no question of our intent in that regard.

We provided to Chairman Mazzoli of the Immigration Subcommittee a letter signed by me at the time of our authorization hearing a week ago, recommending funding levels for the bill. That would be in the range of \$110 to \$150 million for the first year. That would relate to the legalization and employer sanctions aspects of the bill.

Mr. EARLY. Why don't you expand on that estimate for the record. Give us a better breakdown of the cost.

Mr. NELSON. All right. We would be happy to give you a copy for the record of this letter that I alluded to. We talk about again the first 12-month period for legalization, approximately between \$75 and \$100 million, and the first 12 months for employer sanctions between \$35 and \$50 million. It is clearly the intent of the legislation and the Administration that all of the costs for legalization will in fact be recovered by application fees, so this money would be actually netted out to zero, but we would need the up-front money to process the program.

Mr. EARLY. Why don't you expand on that for the record, especially how the recaptured funds will make this a wash item.

Mr. NELSON. All right.

[The following information was submitted:]

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C.

Hon. ROMANO L. MAZZOLI,
Member of Congress, House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN MAZZOLI: Pursuant to your request, we are presenting our best estimates on the implementation costs of immigration reform. Assuming no major changes in the concepts of legalization or employer sanctions as embodied in pending legislation, we anticipate that the first 12 months of implementation requires expenditures of \$110 million to \$150 million. The details of this estimate are listed below:

	Startup costs (first 3 mo)	Operations (9 mo)	Total (first 12 mo. costs)
Legalization.....	\$30 to \$35.....	\$45 to \$65.....	\$75 to \$100
Employer sanctions.....	\$5 to \$10.....	\$30 to \$40.....	\$35 to \$50
Total.....	\$35 to \$45.....	\$75 to \$105.....	\$110 to \$150

We expect the total fees collected from persons submitting applications for legalization will eventually offset most of the costs of the legalization program. However, since we can now only guess at the rate at which persons eligible for legalization will apply for such, we are not able to project realistically the rate at which this anticipated revenue will be collected. We will continue studying this question.

Please recognize that these estimates do not include requirements for enhanced border enforcement. Detailed analysis of this additional element in immigration reform is currently underway and will be made available in the future as appropriate.

Thank you.

Sincerely,

ALAN C. NELSON,
Commissioner, Immigration and Naturalization Service.

HELICOPTERS

Mr. EARLY. Let me ask about the helicopter night scope improvements that you mentioned in your remarks. How many helicopters do you have?

Mr. NELSON. Nine helicopters in operation at the present time.

Mr. EARLY. And how many pilots do you have?

Mr. NELSON. I might ask Mr. Salgado.

Mr. SALGADO. I am Associate Commissioner for Enforcement. We have approximately 31 pilots that are cross-trained both in fixed wing and helicopter, sir. We have nine helicopters. We have, I believe, approximately 23 fixed wing aircraft in the United States border patrol that are utilized. One of the choppers is currently down, and we are looking for an acquisition of four more helicopters in negotiations with Mr. Giuliani for a lease program.

Mr. EARLY. How much daily use will they have?

Mr. SALGADO. I don't have the exact figure. We can provide that for the record. They do vary on the terrain, on the weather conditions. We do have that, and I can provide it for the record.

[The information follows:]

AVERAGE FLIGHT TIME FOR HELICOPTERS

Thus far in fiscal year 1983, six of INS' nine helicopters have averaged 76 flying hours each per month. In Chula Vista, our busiest sector, two helicopters averaged 111 hours each per month. Two of the remaining three helicopters have experienced mechanical problems during the past four months and have been flown a minimum amount of time. A third helicopter remains grounded due to crash damage.

CROSS-TRAINED PILOTS

Mr. EARLY. Is that all the 31 pilots do?

Mr. SALGADO. There are 31 cross-trained. We have additional pilots, but there are 31 I believe that are currently cross-trained in both fixed wing and helicopter utilization.

NIGHT SCOPES

Mr. EARLY. Mr. Nelson, what about the night scope? Would you give us an explanation of that?

Mr. NELSON. I might comment and Mr. Salgado might elaborate. We recently installed in the sector between San Diego and Del Rio six new night scopes far superior to the ones that we had in use earlier. These are mobile-mounted on vehicles so they can be transported. They can identify in pitch darkness any human being or other object, within several miles; I forgot the exact number of miles. They are very effective and have been very instrumental in assisting our enforcement efforts.

Mr. EARLY. Do you expect to expand that?

Mr. NELSON. Yes, sir, we do plan to expand that.

ANTISMUGGLING ACCOMPLISHMENTS

Mr. EARLY. What about the smuggling ring that you disrupted. Has it already been replaced or has it been eliminated?

Mr. NELSON. Of course, there are many smugglers, Mr. Chairman, that are involved, and we run the range from the small operators smuggling a few people to some major organizations.

Mr. EARLY. I got the impression that that was one of the best organized ones.

Mr. NELSON. That was the largest smuggling operation ever broken by the Federal Government, and we think one of the largest, if not the largest, that has been in existence. Most of those people involved have now been tried and convicted. I think that some 10 people or so got substantial sentences of over 50 years in prison.

A few more remain to be tried. That has been very effective, and, as indicated, we are, through our efforts with the border patrol and our investigations people under Mr. Salgado's organization. We are trying to focus on the larger smuggling operations, because we think, if you can get at the bigger ones we will have a major impact.

COORDINATION WITH OTHER AGENCIES

Mr. EARLY. What about the coordination you spoke of with Social Security and the Labor Department? Do you coordinate your activities with Justice and with the Coast Guard? You mentioned the Coast Guard up in Boston. Do they cooperate with you?

Mr. NELSON. Yes, Mr. Chairman. Our relationship with the Coast Guard has been outstanding, and we appreciate their efforts. As you know, in South Florida they are deeply involved with the Vice President's drug task force and we also are participants. The interdiction of the Haitian vessels is ongoing. The Coast Guard has been conducting that, and that has been very effective.

In Boston, there was some Coast Guard space that they no longer needed and were willing to turn over to us for detention use. The relationship has been excellent.

Mr. EARLY. What about the cooperation between you and them for the use of these helicopters? Have you been able to give them any leads on drug-related problems?

Mr. NELSON. Yes, we have. I don't have specific examples to give you, but our people are involved in the South Florida area. Sometimes with alien smugglers there are also drugs involved, so there has been some very good cross-coordination between all of the various agencies.

Mr. EARLY. Maybe you could include for the record a few examples.

Mr. NELSON. I will be happy to.

[The following information was submitted:]

INS PARTICIPATION IN APPREHENSION OF SMUGGLERS IN SOUTH FLORIDA

The INS is actively involved with other federal, State and local law enforcement agencies in the interception, apprehension and prosecution of alien and narcotics smugglers in the South Florida area. Through the Haitian Migrant Interdiction Operation, the joint efforts of the U.S. Coast Guard and INS between October 1981 and the present have resulted in a total of 213 Haitians being interdicted at sea and returned to Haiti.

INS has also participated in the arrest and successful prosecution of drug smugglers operating in the South Florida area, through joint efforts with the U.S. Coast Guard, Navy, and Customs Service. In May 1980, the Border Patrol established a checkpoint at Florida City on Highway #1 between Key West and Miami in an effort to intercept illegal narcotics and alien traffic before it penetrated to the interior of Florida. In its first month of operations, a total of \$102,174,767 worth of various narcotics were seized, resulting in the arrest of 42 U.S. citizens. In a single arrest on May 20, 1980, a U.S. citizen was apprehended at this checkpoint while in possession of 410 pounds of cocaine, which at that time was the largest single cocaine seizure in U.S. history. The citizen was turned over to DEA officials for prosecution.

On May 12, 1982, Border Patrol pilots flying surveillance over this checkpoint area observed a low-flying DC-3 aircraft dropping several large bales to the ground. After the INS pilots forced the DC-3 aircraft to land, Border patrol agents recovered 350 pounds of marijuana valued at \$870,000. The two pilots were arrested and turned over to the U.S. Customs Service for prosecution.

COOPERATION WITH MEXICAN OFFICIALS

Mr. EARLY. At this time I am going to yield to Mr. Dwyer for questions.

Mr. DWYER. Thank you, Mr. Chairman. On the breakup of that large smuggling ring, were they domiciled in Mexico?

Mr. NELSON. In Juarez, Mexico.

Mr. DWYER. What type of cooperation did you receive from the Mexican Government?

Mr. NELSON. We received excellent cooperation. I might ask Mr. Salgado to elaborate on that. I think he can give you a little bit

more detail, but we were very pleased with our cooperation with the Mexicans on that case.

Mr. SALGADO. Yes, sir, there was excellent cooperation with the Mexican Government. As a sense of background, it should be noted that last year the Commissioner through his entrees with the Mexican Government, established two training centers with the prosecution in Mexico, so we can have prosecution on the Mexican and United States side. Through that cooperation, an excellent liaison has been established.

In the mentioned case, the Mexicans assisted in getting various documents and records that were served on the Vivasana Hotel (which is where the case got its name) in Juarez. During the trial those records were utilized. The Mexican prosecutor came across to assist us in the interpretation of their records. Witnesses were provided to us by the Mexican Government so that we could introduce them during the course of the trial. There was excellent cooperation with the Mexican Government in that case.

Mr. DWYER. Does that change from government to government as they change governments in Mexico?

Mr. SALGADO. No, sir, it does not. Originally, the entree was made with the past government and the Attorney General at that particular time. We will be making additional entrees with the new Attorney General, Mr. Ramirez, shortly to make sure there are continuities.

The cross-training involves Federal prosecutors. There are still no positions in Mexico that have been replaced. Those liaisons are in excellent condition.

Mr. DWYER. Does your cooperation with Mexico allow you to bring some of your operators across the border into Mexico?

Mr. SALGADO. That is a very touchy situation. Mexico maintains its sovereignty as we do. We do not have any official request to make any entries of our officials in there, but merely the passing of information. On a particular case-by-case basis that would be a possibility, but that would have to go to the Attorney General of Mexico as a request.

STATE EMPLOYMENT SERVICES OFFICES

Mr. DWYER. Going back to your statement on page seven, the Chairman asked a question in this area. You say "We have agreed to be responsive to the increase from the State Employment Service Offices." Had you not been responsive in the past?

Mr. NELSON. I don't think the coordination had been set up in the past, and again as we get more into the computer age, we can cross reference their computers. So often the problem we see is government agencies doing their own job and not necessarily coordinating as well as they should be. In the past I don't think there was the kind of information received that could be helpful, and we have made some real efforts to do it. We have a long way to go to get it working effectively, but we think we are on the right track.

Mr. DWYER. Do you foresee the probability that through the extensive use of data processing, this will just be stamped out completely, or just about stamped out?

Mr. NELSON. I would like to think so, Mr. Dwyer. I don't think we can anticipate we would ever stamp out illegal alien problems, but I think we need to take these kinds of steps to deal with it more effectively.

Clearly the employment aspects are important, Social Security, and cross referencing with the Department of Labor, because not only can we apprehend the illegal aliens, but anything we can do to reduce the magnet of the jobs, and of course administratively these projects relate to that goal. The need for the legislation that would impose the penalties on employers, is the biggest step that we can take in this country to reduce the problem of illegal immigration.

It will be a constant one with us, but we think we must get it under better control.

Mr. DWYER. I don't think we will ever have it completely under control. I agree with you, it is a massive problem, but in the area of illegal aliens collecting unemployment insurance, whereby they have to go and present a Social Security number as some means of identification, and in an area of highly sophisticated electronics data processing, don't you think we can just about get that thing completely under control?

Mr. NELSON. I think we can do a great deal toward reducing that, no question about it.

Mr. DWYER. Because this legislation here is in the process of appropriating \$5 billion to advance to the States, it would behoove us I think to move as rapidly as possible in that direction.

Mr. NELSON. No question about it.

NATURALIZATION BACKLOG

Mr. DWYER. Someone sent into my district office recently a clipping from a local New Jersey newspaper, and they pointed out that the application process for citizenship in New York City takes from four to six months, but in Newark, New Jersey it takes from 12 to 18 months. Is that accurate?

Mr. NELSON. I know we have greatly reduced the backlog time in New York City, which we feel very good about, because it has been much, much longer. I don't know offhand the time on our Newark office. It does vary from office to office.

Part of it is the matter of the large number of cases, of course, the people assigned to it, the management aspects, but we feel very good that in the past year in the United States we have processed 22 percent more naturalization petitions to conclusion. We still have more backlogs than we think we should have, but I think the time is down to about six months overall, as an average throughout the United States.

Some offices are higher than others. I am not sure about Newark, but I know New York has made tremendous improvements in cutting it back.

Mr. DWYER. I called my district office just before I left for this hearing, and I spoke with some of the staff there, and someone in Newark had pointed out to them in the course of a telephone conversation some months back that at one time you had 11 attorneys in Newark; now it is down to three.

Mr. NELSON. Probably, Mr. Dwyer, we have made the management decision, which we think is a very sound one, to shift attorneys into the litigation area. I don't think that is probably a total drop of numbers of personnel. What I imagine that relates to is they will have been pulled out of doing naturalization work which can be handled by examiners and non-lawyers. We are moving into that, and we will be replacing the lawyers with paralegals.

USING NONLAWYERS AS EXAMINERS

Mr. DWYER. Is there a policy on how long, the application process should take?

Mr. NELSON. You mean to actually process the applications?

Mr. DWYER. Yes, Nationwide.

Mr. NELSON. We would, of course, like to get it down to a very minimal time, and I think we are moving in the right direction. I believe that this management move we talked about with any organization can sometimes slow things up a little bit as you get people into new assignments. The Efficiency Act passed last year, also with your support helps us a great deal, by eliminating a lot of bureaucratic delays in the naturalization process. That has helped us.

We like to think that some of the other management things we are doing will help. Our own objective is to get processing time down to about a two-month period, which is really a very short one, and we are working at that. It will take us some time to get there, but we feel we are making progress.

Another thing that will probably be coming up before the Congress is a further immigration efficiency bill, where we should have the ability to have administrative naturalization. Now, as you know, it must be through the courts, mostly through the Federal Courts. We do use some State Courts, but in some cases we have difficulty in some areas in getting the number of cases processed as rapidly as possible. If we have the administrative naturalization, that alone can help us a great deal.

DISCONTINUATION OF ANNUAL REGISTRATION OF ALIENS

Mr. DWYER. Presently aliens are required to register once a year so INS might be aware of any changes of address. Is there any change anticipated in that type of a requirement?

Mr. NELSON. Before I answer that question, I just noticed in our paper that the average time in Newark for the naturalization case is 6.6 months, while New York is 1.7 months, so we have made some progress. As I say, Newark is just at the average, 6.7 months is the nationwide average.

Mr. DWYER. If I still have that newspaper article, I will send it over to you.

Mr. NELSON. Please do.

Would you repeat the last question?

Mr. DWYER. Presently aliens are required to register once a year. Are you anticipating any change?

Mr. NELSON. Under the Efficiency Act, that registration is no longer required. That was a big workload that didn't really generate any valuable information, and by the Efficiency Act passed last

year has been eliminated. Now we can require registration in select cases as the Attorney General's regulations might determine.

APPREHENSION OF ILLEGALLY EMPLOYED ALIENS

Mr. DWYER. You mentioned in your statement the Los Angeles case, the amount of illegal aliens that were illegally employed, and in your justifications you also emphasize or you state that you are going to place more emphasis on that type of enforcement. Might you elaborate on that.

Mr. NELSON. Certainly the big hope is that we will get legislation this year that will provide for the employer sanctions, which will in turn allow us to enforce that much more effectively. We do, as we have this year, try to target our limited resources into those areas of employment, and particularly some of the higher wages, as I mentioned in that project. There are a lot of illegal aliens earning very substantial amounts of money.

We think we can probably do the most effective job going after some of those so that you not only take care of the illegal alien working in that job, but hopefully opening it up for a lawful worker in this country. So we are administratively doing what we can, but we need the tool of the employer sanctions in order to really have the kind of effectiveness necessary.

SOURCES OF INFORMATION ABOUT ILLEGAL ALIENS

Mr. DWYER. About a year ago I was at the train station in Central New Jersey, and someone came up to me to ask directions, and they had a note. It was an illegal alien, and it was a note with directions to a restaurant. The note was actually provided to this illegal alien by a hiring agency in Manhattan. Do you people trace those things down?

Mr. NELSON. Any leads we get obviously. Most of our enforcement is often by leads from people calling and saying they have information that illegal aliens are employed at a certain location. A great deal of our effort is through that. It is sort of interesting that in the Southwest, particularly, most of the people complaining, calling our office, are of Hispanic origin complaining about illegal aliens, again largely Hispanic illegals, that are taking jobs that they feel they ought to be getting. It is important that the public contact us, so that we can do all we can to do the best job we can.

Mr. DWYER. Thank you.

Mr. NELSON. Thank you, sir.

Mr. DWYER. Thank you, Mr. Chairman.

CONTROL OF BORDERS

Mr. EARLY. Mr. Miller.

Mr. MILLER. Thank you, Mr. Chairman.

Commissioner Nelson, on page two of your statement you tell about the reform legislation, but you also tell about increased enforcement resources, streamlining of the current H-2 program, a number of steps. You say that it is critically important to our ability to begin the process of regaining control of our borders, which to me means have we lost complete control of our borders?

Mr. NELSON. Again, it is a relative term, Mr. Miller. There is no question, and the Attorney General has testified to this extent a number of times, that we have lost control of our borders. It is in the absolute, of course, but I think it is a very effective statement. We are seeing an increased number of people coming in illegally, not only across the borders, but through airports and so forth. It is a significant problem that we have not effectively dealt with over the years, and that is why it is so important that we get some new legislation and provide some of the new tools.

We have the irony of the person being here illegally, but no prohibition against employers hiring him. Clearly the jobs in the United States are the big magnets that draw people in. There are the push factors from other countries, economic conditions, violence and whatever, that push people here, but the magnet of employment is the pull factor. That is where we have to really do an effective job and why legislation is so important.

At the same time, of course, we need to, as we think we are doing, continue and improve our approach in the border patrol itself.

Mr. MILLER. When you make such a statement, as though we have lost control, it reminds me that we do have a lot of illegal aliens in the United States, and if they are flowing in continuously, maybe we need extreme steps.

We do have a reserve. We have the military, and I wonder if the situation is so bad that you need additional help in order to help solve the problem. We know that the illegal aliens are coming in, and we have complaints from our own constituents about people being on Social Security illegally. Somehow they receive an illegal card, they have work permits, and apparently many of those are printed illegally. But number one, apparently, is to stop them from coming across the border. Have you given consideration to screaming for help?

Mr. NELSON. Well, we have, sir, and of course when you talk about the borders, we all know the geography. If you look at the map of the 2,000 miles of the border of Mexico, and 4,000 with Canada and all the sea miles we have, combined with the type of society we have, there is no way we can seal our borders. I think we recognize that. That is not our goal. It is probably not practical if we wanted to, so we have to deal with that.

As I mentioned, I think some of the approaches we have taken in enforcement have been efficient. I know there has been a lot of talk about additional resources and, as I mentioned to the Chairman, we will be submitting budget amendments to enhance the enforcement, and we hope to provide for the legislation. I think it is important that we recognize that we can't just solve the problem by throwing money at it.

We need some of these new changes, and as we do propose in our significant increase in the current budget, the data processing aspect. We need to modernize immigration services. It has been far too long that we have been behind in getting efficient management tools, and by getting these things in place, this will help all of our activities, our service part as well as the enforcement part.

Mr. MILLER. I am well aware that we cannot have enforcement people shoulder to shoulder around our borders. But when we stop

to think about the military, we have several million people, and in some instances they are looking for things to do.

I am not really sure, but what if the word got out that we had additional people flown into duty, where the illegal aliens would not know exactly where, that it might give them a little warning that they had better not try. Maybe this could be more a publicity effort than an actual movement of people.

Mr. NELSON. True.

THE 1980 CENSUS DISRUPTION OF ENFORCEMENT

Mr. MILLER. At least conveying the message that we do have some people available, that could help you immensely.

You spoke also about the additional duties that you have, and you mentioned on page four the 1980 census. How does that affect you when we have a census? Apparently it creates an additional load. You have certain statistics that you need to look at, but does it help solve the problem of illegal immigration?

Mr. NELSON. I am not quite sure what you are alluding to on the census. Certainly any help we can get in getting some estimate of numbers of illegals is of some value, and that is a very difficult figure to estimate, of course.

Mr. MILLER. About halfway down under "enforcement" you state, this is on page four: "manpower restrictions caused by events such as the Iranian student registration program, the Cuban boat-lift and the 1980 census." You stop right there. That is the purpose of the question. How does that cause you a workload or how does it help you?

Mr. NELSON. I think the point, Mr. Miller, on that, and I didn't quite understand it in the question, is that during the 1980 census, the decision was made by the previous administration to basically either stop or greatly limit some of the enforcement activities. The theory is that they didn't want possibly to disrupt certain areas in communities, and so there was a cutdown in enforcement. I think that is the reference in that case.

Frankly, I do not think that was a proper procedure. While we all want an accurate census, it is important that we don't stop our normal enforcement activity.

SEIZURE OF ASSETS

Mr. MILLER. Just one other question. You say that you are now allowed to seize automobiles, trucks, campers, boats, and that you have seized 5,000.

Mr. NELSON. Yes, sir.

Mr. MILLER. Valued at something over \$12 million.

Mr. NELSON. That is correct.

Mr. MILLER. Do you also utilize some of those?

Mr. NELSON. Yes, sir.

Mr. MILLER. Instead of purchasing new, you are able to utilize them within your agency?

Mr. NELSON. Yes, with some of the changes again in the Efficiency Act, we are more able to use those than we have been in the past. There have been a lot of bureaucratic processes to go through

to sell the vehicles, and whatever, and so now we are much more able to use the vehicles.

In Florida, for example, we just recently seized several high-speed boats that were used by smugglers from the Bahamas, and now we have those in use for our border patrol in patrol activities. We have had horse trailers that we have seized in California that we are now able to use as we do use horses ourselves, and so we have been effectively able to use these vehicles.

Mr. MILLER. And the balance of those that are sold then, do you have a revolving fund of some kind where you use the money, or does that go into the general treasury?

Mr. NELSON. It goes into the general treasury.

Mr. MILLER. Thank you. Thank you, Mr. Chairman.

NEW INS CENTER IN OAKDALE, LA.

Mr. EARLY. Mr. Nelson, the Supplemental Appropriations Act of 1982 provides funds for a new INS Center.

Mr. NELSON. Yes, sir.

Mr. EARLY. Would you bring us up to date on that center?

Mr. NELSON. Again, I might turn to our controller in the Department of Justice for the exact details. That did create some additional manpower I know that we were able to use along the border as well as in certain other areas. I am sorry I don't have the specifics on that.

Mr. EARLY. That was for a new INS Detention Center.

Mr. NELSON. Oh, in 1982?

Mr. EARLY. In the 1982 supplemental.

Mr. NELSON. I am sorry, in fiscal years it seems like it wasn't that long ago. On that, Mr. Chairman, yes, we did have money in there that this Committee provided, I think \$17 million. We have now made the arrangements for the permanent facility in Oakdale, Louisiana, and we feel this will be a very effective use of the money, because first of all it was a community that very much wanted us, and that was nice. We are not always the most popular people. Sometimes people say "Give us one of those good Federal penitentiaries, but not an aliens' site," but anyway Oakdale, Louisiana wanted it, the community and the state.

We have now made the basic arrangements with them. We will have a 1,000 permanent bed facility there. We also have the capability on the same grounds to add another 5,000 tents or temporary housing should we have that need. It will be jointly operated with the Bureau of Prisons.

There is also the ability, should we not have the use for aliens, to allow its use for criminal defendants, so we think it is a good flexible kind of approach.

Mr. EARLY. When do you expect the Center to open?

Mr. NELSON. I believe, Mr. Chairman, that the final construction would be 1985. I am not sure exactly when, but we are underway now with the site acquisition, and the preliminaries. We could certainly use it earlier than that, if we had the influx where we could use temporary facilities, but I think the permanent site is in 1985.

DETENTION TIME REDUCTION

Mr. EARLY. On page three of your budget justifications you project a substantial decrease in the average stay of detainees in fiscal years 1983 and 1984. In view of this estimate, do you need to construct this new facility?

Mr. NELSON. No question we need it, Mr. Chairman. We currently are pretty well up to the top in our detention space. As I mentioned, we are acquiring the other facility in Arizona and the Coast Guard facility in the Boston area where we are quite full. With the current illegal alien flow, we have to anticipate that we not only will need this space, but we are going to be hard pressed to not go over that.

FLORENCE, ARIZ. SITE

Mr. EARLY. Please tell the Committee a little about the property that the Department of Prisons gave you in Arizona.

Mr. NELSON. That is a site in Florence, Arizona. It is approximately halfway between Phoenix and Tucson. The Bureau of Prisons determined that they wouldn't have need for this facility. I think the number of prisoners that they could hold there was in the 150 range, something like that. I think they felt it was too small.

We can probably use it for 200 to 250 aliens. It is a good solid facility, so it worked out perfectly that we could have this facility. Currently we don't have any significant detention space in Arizona. This will add to the detention space available down in that area.

Mr. EARLY. And the Bureau of Prisons moved those detainees to their new Arizona facility?

Mr. NELSON. I think so. I am not sure exactly, but I believe that is correct.

OVERTIME ACT

Mr. EARLY. The budget reflects an increase of \$5,200,000 to fund costs associated with the 1931 Overtime Act. What happened to the Administration's effort a few years ago to repeal this Act?

Mr. NELSON. Well, it didn't make it through. We are renewing that effort, Mr. Chairman, and we hope that we can get that bill passed this year. We are coordinating with Customs, because they have the 1911 Overtime Act, which is somewhat similar to our 1931 Act. INS and Customs, have this special overtime arrangement that is contrary to what other Federal employees have.

We don't think that this is appropriate. We will be pushing this year to get that repealed by a single bill. It would be absolutely unfortunate to have either Customs or INS repealed and the other not. We are hopeful it will happen. It didn't happen in the last couple of years, so realistically we shouldn't have had the money taken out. This is the basis of that \$5 million request.

1984 OLYMPICS

Mr. EARLY. The budget request for the inspection activity includes an increase of \$640,000 to fund 38 additional workyears for

the increase in inspections anticipated as a result of the 1984 Olympics. These positions would staff the new Otay Mesa, Mexico-California border entry, which is scheduled to open in 1984?

Mr. NELSON. That is right.

Mr. EARLY. How many are allocated to each activity?

Mr. NELSON. The bigger amount was Otay Mesa, as I recall. Correct me if I am wrong. The 38 positions for the Olympics, when they are concluded, would be assigned to the Otay Mesa so they are packaged together.

Mr. EARLY. You are not talking about full-time permanent positions?

Mr. NELSON. I believe they are.

Mr. ARNOLD. They are in the budget, in effect, for closing the lapse, Mr. Chairman. We don't need additional authorized positions in that program, but we do need additional funds in order to bring us up to the authorized positions we have already. Since the principal part of the activity will be devoted to the Olympics in fiscal year 1984, you can't really divide between the two. They will work first on the Olympics and then go to the Otay Mesa port of entry permanently.

[The information follows:]

ADDITIONAL WORKYEARS FOR 1984 OLYMPICS

Subsequent to the hearing the following information was provided: The 38 additional workyears will be added to INS' Inspections program for the 1984 Olympics. After this event, these workyears will be used to staff the new Otay Mesa, California port-of-entry. The workyears in the Inspections program currently exceed the authorized position level for this program because it uses a large number of temporary inspectors to avoid paying high overtime costs. Although it is difficult to separate the workyears associated with the Olympics from those associated with the port-of-entry, an approximate distribution of the work effort would be 17 FTE workyears for the 1984 Olympics and 21 FTE workyears for the Otay Mesa port-of-entry.

EFFECTIVENESS OF AUTOMATION

Mr. EARLY. On the ADP plan for \$16,528,000 and 22 new positions. INS has experienced a substantial problem in automating functions over the years. What assurance can you give the Committee that those problems have been overcome and the funds, if provided, will be used efficiently?

Mr. NELSON. Let me give a general answer, and then I might call on Doris Meissner, Executive Associate Commissioner, to supplement it.

As I mentioned earlier, there has been a good deal of work within INS, within the Department of Justice and OMB and within the Congress or in relationship with Congress and GAO. Everybody has had a lot to say, a lot of review. We think that when we brought some new people in (we have a new Associate Commissioner heading up the data processing who has extensive background in private industry, and we are pleased to have him join us) there have been a lot of check-points throughout in the Executive and Legislative Branches, thorough processing.

We think we have worked out bugs as we have gone along, and we feel very confident that we are on the right track. I am sure with a major project like this, we will find other problems, but I think we have got the major thing on track, and, therefore, we are

confident that we are in a position to ask for the funds that we do to proceed with the capital acquisition, as well as the Records Center. Doris, would you supplement?

Ms. MEISSNER. We have been through a rigorous two-year planning cycle on what ADP will look like, and the fact that there is a very well-articulated and rigorous plan as the basis for this request gives us the confidence that we think is required.

Mr. EARLY. So you are confident that you won't experience the same problems?

Ms. MEISSNER. Yes, I think we are comfortable with that.

Mr. EARLY. What is the total cost of implementing this plan? How long do you anticipate it taking?

Ms. MEISSNER. It is really a four to five-year plan. What is in the budget right now is simply the first increment, and the cost over a four to five-year period is, we can't be absolutely positive, but we are talking somewhere in the neighborhood of about \$50 million.

BORDER PATROL EMPLOYMENT INCREASES

Mr. EARLY. Mr. Nelson, I understand that at the hearing this week with the House Judiciary Committee it was suggested that INS needs an additional 1300 personnel for the border patrol above this budget request, at a cost of \$58 million. How many positions do you currently have for the border patrol?

Mr. NELSON. We have approximately 2800 positions with the border patrol currently.

Mr. EARLY. Referring to the questions from Mr. Miller and Mr. Dwyer, you suggested we can't police the border entirely. What does this do for us?

Mr. NELSON. The increase you are talking about?

Mr. EARLY. Yes.

Mr. NELSON. There is no question, I am sure many Administration officials agree, you could always use more money and more resources. We are certainly in that position. I think we have to put ourselves in perspective with overall budget considerations throughout the government. We did put our focus this time on the automation that we think is a good long-term thing. We have had some additions to the border patrol and the other enforcement.

As I mentioned, in the context of the new legislation, we will in fact be having some very substantial increases overall in the enforcement arena.

Now, as far as additional border patrol itself, sure, we could use such positions, but we would say it is important again to put it into context of needing the legislative reform such as the sanctions to really deal with the problem. The increased border could be helpful, but we need the balancing, and we certainly shouldn't look at it that we can just put money in for additional personnel on the border, and not deal with the more systemic problems.

Mr. EARLY. How will you utilize 1300 new people?

Mr. NELSON. Well, it is a little speculative as to how we would if we had them. Clearly we would add to the borders' control. No question that would be an area. I think interior investigation would be another area, both with employers and interior apprehensions. These would be the two major areas to focus on.

Mr. EARLY. Could you reasonably expect to fill those positions in 1984?

Mr. NELSON. That is hard to say. There is always lead time for training and to recruit. It is hard to just give you a yes or no answer, if that situation came to pass.

SOURCE OF INCREASED EFFICIENCY

Mr. EARLY. In your statement, you spoke of increased efficiency. You also spoke of relieving lawyers with non-lawyers. Is that where we are getting more efficiency?

Mr. NELSON. I am a lawyer, myself, Mr. Chairman, so I can argue on both sides of that one, I guess.

Mr. EARLY. Justifiably only on one side.

Mr. NELSON. I stand corrected. There is no question I think in the lawyer situation we are having a lot of lawyers doing naturalization work which can better be done by those who are paid less.

It is no different than a lot of law firms. We are seeing a tremendous increase in paralegals and other assistants to do a lot of work that maybe the lawyers did before, and we are utilizing lawyers in the more complicated immigration litigation hearings or working even in the court litigation matters. So we think it is an important efficiency move to better utilize the lawyers' time, talents and so forth, and to get people that frankly can maybe be as productive or more productive in the non-legal type task.

Mr. EARLY. If we approve the new positions that you are requesting, will they be make-work jobs, or do you think those jobs would be productive ones?

Mr. NELSON. You are talking about the increase like the border and other enforcement?

Mr. EARLY. Yes.

Mr. NELSON. It certainly wouldn't be our intent that any new positions we received—we have got plenty of work out there, so it wouldn't be making work jobs.

You asked about the absorption rate and the ability to bring new people on. That is a management thing we would have to deal with, no question about it, but I don't think there is too much danger in the Immigration Service of make-work jobs. We are committed to avoid that in any event.

USER FEES

Mr. EARLY. It seems that every time we talk about a jobs bill there is a reservation about whether they will be productive jobs. Please tell us a bit about the suggested increase you spoke of in user fees. I think the increase goes from \$24 million to \$50 million.

Mr. NELSON. As I noted last fall, we have published in the Federal Register our proposed new fee structure. We received some comments back on that, and we should be coming up with a final program promptly.

Now there was a great deal of administrative review to be sure that the fees meet the criteria that you are charging for what they cost. We think that we did an effective job in that, and that we can provide to the committee a sheet indicating what new fees likely will be. I presume they will come out in this fashion, but they

range from a \$15 fee at the low level for certain functions to a maximum of about \$110 for several other functions, and you are correct. The increase, the total should exceed \$50 million or more in 1984 versus \$21.4 million in 1982.

Mr. EARLY. Why don't you expand on that for the record.

Mr. NELSON. We will.

[The information follows:]

NEW FEE SCHEDULE

The new fee schedule for INS was proposed and published in the Federal Register on August 26, 1982. If the new fee schedule is implemented as currently drafted, INS fee collections should exceed \$50 million during 1984 as compared to \$21.4 million in 1982. All these fees go into the General Fund and do not supplement the appropriated funds available to INS.

Following is a list of the proposed fee charges for INS:

Applications/petitions:	Proposed Fee
I-485(O)—Permanent residence.....	\$50
I-485—(249) Registry of permanent residency.....	50
I-485—(214d) Finance(e) adjustment to permanent status.....	50
I-130—Classify status of alien relative for visa issuance.....	35
I-131—Issuance/extension of reentry permit.....	15
I-600—Classify orphan as immediate relative.....	50
I-140—Classify preference status of alien on professional/occupation.....	50
I-129B—Classify nonimmigrant as temporary worker or trainee.....	35
I-129F—Classify status of alien fiance(e) for issuance of nonimmigrant visa.....	35
I-539—Extension of temporary stay.....	15
I-90—Alien registration receipt card.....	15
I-131—Issuance/extension of permit to reenter U.S.....	5
I-191—Discretionary relief under 212(c) of INA.....	50
I-192—Advance permission to enter as nonimmigrant.....	35
I-193—Waiver of passport/visa.....	15
I-601—Waiver of grounds of excludability.....	35
I-612—Waiver of foreign residence requirement under 212(e) of INA.....	50
I-506—Change in nonimmigrant status.....	15
I-212—Permission to reapply for admission after deportation/removal.....	35
I-246—Stay of deportation.....	110
I-256—Suspension of deportation.....	110
I-17—Approval of school for attendance by nonimmigrant students.....	50
I-538—Student transfer and permission for employment.....	15
I-570—Issuance/extension of refugee travel document.....	15
I-102—Replacement of I-94.....	15
I-290—Immigration appeal.....	110
N-400—File petition for naturalization.....	35
N-410—Motion for amendment of naturalization petition for convenience of petitioner.....	15
N-470—File petition of 316(b) or 317 of INA.....	15
N-600—Certificate of citizenship.....	35
N-580—Certificate of naturalization or repatriation under 343(a) of INA.....	15
Other naturalization applications: (N-41, N-455, N-565, N-577, N-470, N-300, N-336, N-580).....	15
G-641—Verification of information in INS records.....	15

REFORM LEGISLATION

Mr. EARLY. A final question. Is the Administration planning to submit to Congress—I suspect from your remarks that you are—a new immigration reform bill?

Mr. NELSON. Of course, the Administration last year, Mr. Chairman, did submit its bill. There were extensive hearings in both the Senate and the House, and in the Simpson-Mazzoli bill that evolved

from this hearing process. That bill, as you well know, has been introduced again in both Houses, and they are largely through their hearings.

We are not submitting a new separate Administration bill. We are supporting the efforts of the Congress that tie in very closely to our proposals of last year.

Mr. EARLY. How will the enactment of such a bill affect this budget proposal before the Committee?

Mr. NELSON. As indicated, our budget here does not specifically address increased funding that would be required by Simpson-Mazoli, as the Attorney General and I have testified. We will in fact be coming in with a supplemental or budget amendment, and we have already provided the Judiciary Committee, the Subcommittee on Immigration, some figures that we think would be appropriate. We think that it is moving in the proper direction.

Mr. EARLY. Page 23 of the justification indicates that we pay 100 percent of the travel cost for aliens expelled from the country. How much does that expense amount to?

Mr. ARNOLD. Thirty percent of the aliens who are expelled incurred travel costs. The government paid 81 percent, if that is what you are referring to, Mr. Chairman.

Mr. EARLY. Eighty-one percent.

Mr. ARNOLD. I am not sure that we have a breakdown of the total cost by object class. I think we will have to provide it for the record, because it shows under the same part of the budget as travel for our own employees. We could provide it for the record.

Mr. EARLY. Please provide it for the record.

[The information follows:]

ALIEN TRAVEL COSTS

In fiscal year 1982, alien travel costs totaled \$8,237,506.

Mr. EARLY. Mr. Miller, do you have any further questions?

Mr. MILLER. No additional questions.

Mr. EARLY. Mr. Nelson, I want to thank you for your testimony. We have several additional questions which we will submit and ask you to answer for the record.

Mr. NELSON. Thank you very much, Mr. Chairman.

[The questions referred to and the answers follow:]

QUESTIONS SUBMITTED BY MR. SMITH

IMMIGRATION AND NATURALIZATION SERVICE

Additional Inspection Positions for the Southwest Border

QUESTION:

In the Continuing Resolution for fiscal year 1983 an additional \$5,000,000 was provided above the budget request for establishing 100 additional inspection positions at ports of entry along the Southwest border in the State of Texas. Have these additional positions been allocated to those ports of entry and, if not, why not?

ANSWER:

In response to a Congressional request to assign 100 workyears to the Southwest Texas border, the INS will hire 20 inspectors per month starting in April 1983, and they will be assigned to the following cities:

<u>Location</u>	<u>Employees Assigned</u>
Brownsville	9
Dallas	4
Del Rio	6
Eagle Pass	6
El Paso	20
Fabens	2
Fort Hancock	1
Hidalgo	8
Houston	11
Laredo	20
Port Arthur	1
Presidio	3
Progreso	3
Roma	4
San Antonio	2
Total	100

Inspections

QUESTION:

Did your fiscal year 1983 budget reflect a reduction associated with repeal of the 1931 Overtime Act and, if so, aren't you having to absorb the cost of this item this fiscal year?

ANSWER:

In 1983, INS is absorbing its 1931 Act overtime costs because INS assumed that the 1931 Act would be repealed and replaced by a less costly version; however, the Act has yet to be repealed and we do not expect passage of any legislation limiting the costs attributed

to the 1931 Act overtime. While the Service has been able to accrue some overtime costs savings as a result of better scheduling, it will nonetheless require restoration of the \$5,200,000.

Data and Communications Systems

QUESTION:

The justifications also include an increase of \$3,678,000 to augment and replace INS' radio, infrared intrusion, and other communications systems. Will these funds provide for complete replacement of these systems or are you planning to implement this project over a number of years? If so, what is the total cost?

ANSWER:

This increase involves complete replacement of two radio systems in the Chula Vista and El Centro Sectors. However, INS has 18 other Border Patrol Sector radio systems scheduled for replacement over the next nine years. Radio replacement is an on-going effort in that each year either one or two systems are replaced or upgraded. The FY 1984 activity also includes the installation of four new district radio systems in St. Paul, Kansas City, Omaha, and Boise. All INS radio systems are on a ten-year replacement schedule. Included in the increase are 480 mobile and portable radios which are also on a ten-year replacement schedule. Funding for 200 word processing units service-wide is also part of the increase as are the acquisition of test/diagnostic equipment and maintenance support.

QUESTION:

Are these systems compatible with the radio communications of other law enforcement agencies that operate on the border, such as the Customs Service?

ANSWER:

The issue of compatibility is dependent on radio frequency assignments. Each agency has its own unique frequency assignments within specified geographical areas. Interagency communications are provided through frequency sharing agreements which are arranged on an as needed basis.

QUESTION:

Are the systems that you are planning to buy compatible with the systems of other law enforcement agencies in the Department of Justice, such as the FBI and DEA?

ANSWER:

The INS replacement radio systems are compatible for interface with other Department of Justice agencies mainly through radio frequency assignments. In terms of infrared scopes, these are stand-alone units and there are no known compatibility requirements with other government agencies.

QUESTION:

Will these systems provide for voice privacy for INS personnel?

ANSWER:

No. Provisions for voice privacy would be considerably more expensive.

Information and Records Management

QUESTION:

The FY 1984 budget request also provides for an increase of \$10.8 million for information and records management needs. Of this amount \$10.1 million is requested to establish a national records center. What are the advantages of such a center?

ANSWER:

The records center project is part of an overall program to improve the processing characteristics and performance of the Service. In conjunction with the Service's programs in up-front adjudication and ADP improvement, it is planned that the records center will provide efficiencies in the handling of records and the provision of information to the Service's operating units. Specifically, it is expected that the records center will virtually eliminate the incidence of "lost" records, thereby significantly reducing the wasted processing time associated with searches for files. In addition, the center will provide a central location for the provision of information relative to a specific case, and, as such, will eliminate the need for contacting multiple offices to locate a file and acquire needed information. In the records center concept, it is planned that the facility will also have a cadre of information specialists and immigration officers who will provide abstracts or interpretations of file information, depending on the complexity of the inquiry. This latter capability, along with the up-front adjudication program and the expanded ADP systems should reduce significantly the need for transferring files, a process which has had a negative impact on the Service's performance in the past.

QUESTION:

Will this request provide for full funding for construction of the center?

ANSWER:

The budget request does not contain funding for the construction of the center. It is intended that the center will be located in an existing government-owned or leased facility. Based on preliminary discussions with GSA, it is expected that, regardless of the selected site, the facility will require renovation to accommodate the center. It is anticipated that renovation will primarily involve the installation of shelving, but that will depend upon the facility selected.

QUESTION:

Where would such a center be located?

ANSWER:

The INS is working persently with GSA to identify a suitable site. Initially, GSA was requested to identify a facility in one of five Midwestern States (Kansas, Nebraska, Iowa, Missouri, or Oklahoma), but the preliminary, unofficial indication is that a suitable site is not available in those states. Present discussions with GSA are aimed at expanding the search for a site to the forty-eight continental states, with the Washington, D.C. area excluded from consideration, with location in a city housing a major INS district office labeled as undesirable.

QUESTION:

- The budget request for Information and Records Management also includes an increase of \$719,000 to establish an Eastern Region Telephone Center with automatic call distribution and tape libraries to permit more efficient response to telephone inquiries. Would such a center be able to handle calls concerning specific cases or records held by INS or is the purpose of such a facility to provide general information to the public concerning immigration matters?

If the latter is the case, why wouldn't a series of tape recorded messages be sufficient?

ANSWER:

The Eastern Regional Telephone Center with automatic call distribution and tape libraries would be capable of providing callers with pre-recorded general information on 47 different subjects representing the most common immigration and nationality (INA) questions raised by the public. It must be noted that the tapes were selected based on the recent Service Telephone Improvement Study which revealed that over 70 percent of all calls received by INS district offices were for general Immigration and Nationality Act information. Each caller's inquiry will be screened by a bi-lingual, highly-trained tape librarian. If a general INS information tape is available to respond to the caller's inquiry, then the tape will be selected and played. If the caller's inquiry cannot be satisfied by a general information tape, the tape librarian will route the caller to a back-up contact representative. If the inquiry is directed to specific cases or records held by INS, the contact representative will note the inquiry and provide the noted inquiry to the applicable district office for response. Based on findings of the Telephone Improvement Team, general information tapes could accommodate approximately 70 percent of all inquiries. The remaining 30 percent of inquiries would require a secondary response level or back-up of highly trained INS contact representatives. The team's study concluded that the optimum means for responding to public inquiries would be a mix between tapes and back-up contact representatives.

Travel Costs of Aliens Expelled from the Country

QUESTION:

On page 23 of the justifications you indicate that the Government paid all or part of the travel costs of 81 percent of the aliens expelled from the country during fiscal year 1982. How much did that amount to?

ANSWER:

Of the 823,731 expulsions in FY 1982, travel costs were incurred in 249,310 cases (30 percent). In 202,654 cases (or 81 percent), the Government paid all or part of the alien's fare, totalling \$8.2 million.

QUESTION:

What steps have you taken to try to reduce these travel costs? For example, is it possible to expand the use of voluntary departure?

ANSWER:

Under the I-274 and I-274A programs, aliens are advised that if their removal is at Government expense, they must obtain the Attorney General's consent prior to applying for readmission. Officers are encouraged to use the I-274 and I-274A programs as often as possible, and to collect travel costs from aliens who are able to pay.

Backlogs of Pending Adjudication and Citizenship Applications

QUESTION:

On page 26 of the justifications there is a table which indicates that the backlogs for pending adjudications and citizenship applications are increasing or remaining level in fiscal years 1983 and 1984. What action is being taken to reduce these backlogs and why haven't you requested additional resources to reduce them?

ANSWER:

The estimate of 300,000 pending cases for adjudications and 216,000 for naturalization is based on our present work force and our historical completion rate. We are attempting to revise our work methods to become more productive and reach an acceptable level of 80,000 to 100,000 pending cases. However, there is no hard data to prove we will be successful in reaching this goal. Consequently, it seems more realistic to project estimated pending cases on reliable historical data. The backlogs in naturalization will temporarily worsen as a result of the merger. This will result from immigration examiners assuming new duties as naturalization examiners. After training has been accomplished, these backlogs will diminish and progress will be made toward an acceptable level of naturalization cases.

Information Systems

QUESTION:

On page 32 of the justifications you indicate that you will maintain the Non-Immigrant Document Control System (NIDCS) and you will also operate the new Non-Immigrant Information System (NIIS). What is the difference between these two systems and what are the costs and benefits associated with each system?

ANSWER:

NIIS will fully replace NIDC by the fourth quarter of FY 1983. These systems are running parallel until the majority of forms from non-immigrants who arrived prior to January 1, 1983 are collected and processed. NIDC will then be discontinued.

NIDC is a records management system used as an index to microfilmed records. It only contains sufficient information to retrieve microfilmed cases with minor additional statistical information. It is accessible only to the Central Office. Statistical and management reports are processed by another system.

NIIS is a total system whereby all information contained on the arrival/departure record (I-94) is automated and is on-line to INS field personnel. It produces both statistical and management reports.

NIIS will provide INS with a much improved capability to collect, store, and disseminate information regarding individual nonimmigrants or groups of nonimmigrants.

The NIDC annual cost is \$2.9 million. The NIIS annual cost for FY 1984 is estimated to be \$3.6 million.

QUESTION:

What progress, if any, has been made in reducing or eliminating the backlog of unprocessed I-94s and ensuring departure copies are collected?

ANSWER:

INS has almost completely eliminated the backlog of unprocessed I-94's and currently has only 600,000 remaining to be processed. The backlog should be totally eliminated by May 31, 1983.

NIIS will ensure that departure forms copies are collected through the increased use of notification signs, drop boxes, and the use of Canadian and Mexican government officials and local state personnel to ensure collection at land border ports.

NIIS further ensures forms collection through on-going liaison with transportation associations and a monitoring procedure whereby the NIIS contractor ensures forms are collected on departing flights.

THURSDAY, MARCH 17, 1983.

OFFICE OF JUSTICE ASSISTANCE

WITNESSES

ROBERT F. DIEGELMAN, ASSISTANT DIRECTOR

JAMES K. STEWART, DIRECTOR, NATIONAL INSTITUTE OF JUSTICE

**STEVEN R. SCHLESINGER, DIRECTOR DESIGNATE, BUREAU OF JUSTICE
STATISTICS**

ALLEN J. VANDER-STAA, BUDGET OFFICER

KEVIN D. ROONEY, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION

CHARLES R. NEILL, CONTROLLER

JOHN R. SHAFFER, DIRECTOR, BUDGET STAFF

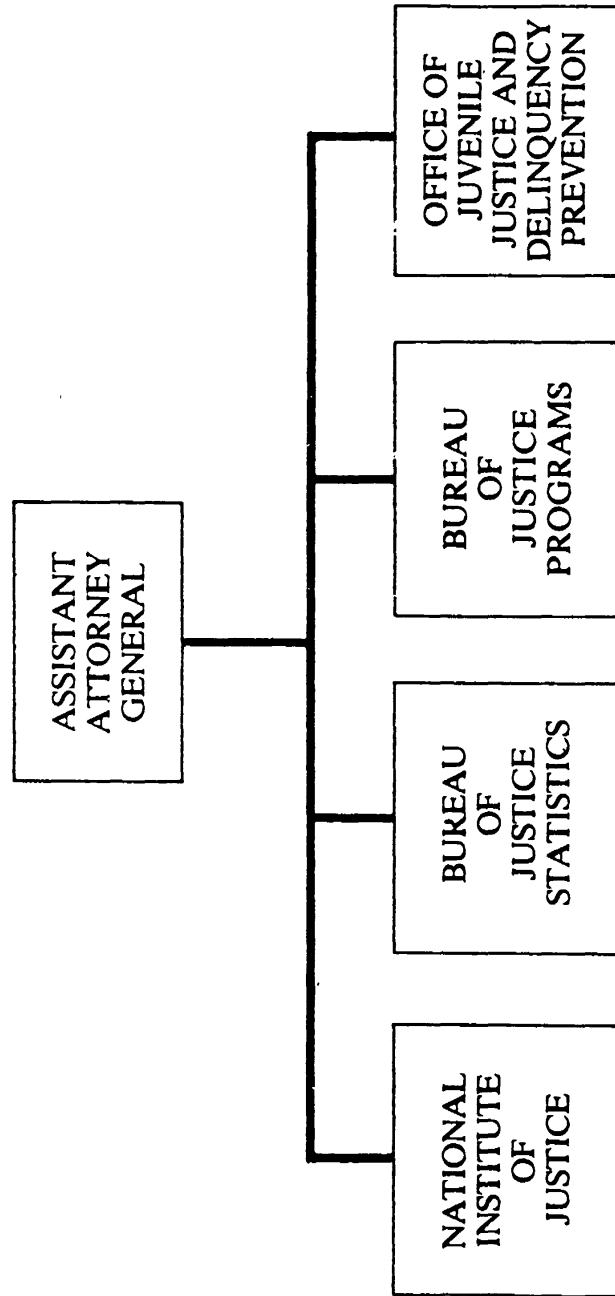
Mr. EARLY (presiding). The next item we shall consider is entitled the Office of Justice Assistance. The fiscal year 1984 budget request is \$152,859,000, and includes law enforcement assistance programs and research and statistics programs funded in fiscal year 1983 in separate appropriations. The fiscal year 1984 request represents an increase of \$27,336,000 above the amount appropriated to date for fiscal year 1983 on a comparable basis. We shall insert at this point in the record the justification material submitted in support of this request.

[The justification material follows:]

Office of Justice Assistance
Justice Assistance
Estimates for Fiscal Year 1984
Table of Contents

<u>Item</u>	<u>Page</u> <u>Number</u>
Organization Chart.....	1
Summary Statement.....	2
Proposed Authorization Language.....	4
Justification of Proposed Changes in Appropriation Language.....	5
Crosswalk of 1983 Changes.....	6
Summary of Requirements.....	7
Summary of Resources by Program.....	8
Justification of Program and Performance.....	9
Status of Congressionally Requested Studies, Reports, and Evaluations.....	35
Priority Rankings.....	36
Detail of Permanent Positions by Category.....	37
Summary of Adjustments to Base.....	38
Justification of Adjustments to Base.....	39
Financial Analysis of Increases.....	42
Summary of Requirements by Grade and Object Class.....	44

OFFICE OF JUSTICE ASSISTANCE



Note: This chart shows the major organizational structure of the Office of Justice Assistance as contained in the proposed Justice Assistance Act of 1983.

Office of Justice AssistanceJustice AssistanceSummary StatementFiscal Year 1984

The Office of Justice Assistance is requesting for 1984 a total of \$152,859,000, 249 permanent positions, and 246 work years. This request reflects an increase of \$27,336,000 over 1983 appropriations and a reduction of eight positions and 21 workyears.

The Justice System Improvement Act (JSIA) of 1979 reauthorized and restructured Federal efforts to improve and strengthen State and local criminal justice systems. The JSIA created four agencies: The Office of Justice Assistance, Research, and Statistics (OJARS); the National Institute of Justice (NIJ); the Law Enforcement Assistance Administration (LEAA); and the Bureau of Justice Statistics (BJS). The Juvenile Justice amendments of 1980 reauthorized the Office of Juvenile Justice and Delinquency Prevention (OJJDP) and established it as a separate agency within the JSIA structure. The JSIA expires on September 30, 1983 and the Juvenile Justice Act expires on September 30, 1984. The Administration is proposing new legislation, the Justice Assistance Act (JAA), to replace the JSIA. The new Act will reauthorize the programs of research, evaluation, statistics, public safety officer benefits and a new state and local assistance program. The Act will establish the position of Assistant Attorney General for Justice Assistance, will reauthorize NIJ and BJS and will create a new entity, the Bureau of Justice Assistance. The individual programs are described below.

New budget authority is requested for four program missions: Public Safety Officers' Benefits, which provides death benefits to the survivors of public safety officers killed in the line of duty; the National Institute of Justice, the nation's major criminal justice research and development agency designed to assist criminal justice practitioners and policy makers; the Bureau of Justice Statistics, which is responsible for all of the major national statistical series concerning crime and criminal justice except the FBI's Uniform Crime Reports; and a new program of targeted assistance to State and local units of government. In addition to these ongoing activities, the office will complete phase out activities on funds awarded under the Law Enforcement Assistance Administration and will begin phase out activities for funds awarded under the Juvenile Justice program.

Juvenile Justice Formula Grants and Juvenile Justice Programs

No new budget authority is requested for these activities since the major objectives of the program have been attained.

Public Safety Officers' Benefits

This program provides a \$50,000 benefit to the eligible survivors of a State or local public safety officer whose death results from a traumatic injury in the line of duty. Of the approximately 350 claims filed each year, about 250 meet the criteria in the Act and are approved and paid. The request for 1984 is \$1,700,000 greater than the budget authority in 1983 because reverted LEAA funds were available to make up this difference in 1983. By 1984 all but the problem LEAA grants will be closed out and no reverted LEAA funds will be available. Therefore, the full amount of anticipated awards must be provided by new budget authority.

Crime Control Programs

This activity is used to reflect outlays for funds previously awarded under the LZAA program. In 1982 \$3,800,000 was appropriated for the Treatment Alternatives to Street Crime Program. No new budget authority is requested.

Research, Evaluation and Demonstration Programs

The National Institute of Justice currently administers: (1) a core program of basic and applied research regarding the control of crime and improvement of the criminal justice system with emphasis on violent crime and the violent offender, (2) a development program to translate the results of research into practical projects, strategies or policies for use by State and local governments, (3) a field test program to test and evaluate model programs prior to recommending them, (4) an evaluation program to assess the effectiveness of State and local criminal justice initiatives, and (5) a dissemination program designed to transfer research findings and program strategies to practitioner audiences in a complete and timely manner.

Justice Statistical Programs

The Bureau of Justice Statistics is responsible for collecting, analyzing, and publishing statistical information on crime and the criminal justice system; providing technical assistance on the collection and use of statistics for policy development at Federal, State and local levels of government; and encouraging the development of state and local government entities capable of collecting and analyzing criminal justice statistics. An increase of \$1,700,000 is requested so that the Bureau can conduct a major longitudinal analysis of Federal offenders, prepare and disseminate a Statistical Report on the Federal Justice Systems, and conduct the quinquennial census of state correctional facilities.

State and Local Assistance

This activity provides for training, technical assistance and financial assistance to state and local criminal justice agencies for specified types of activities of proven effectiveness which focus on violent and repeat offenders (adult and juvenile). Eighty percent of the funds appropriated are awarded to the States on a population formula basis. The remaining 20% are for training, technical assistance, national scope projects and demonstration programs.

Management and Administration

This activity funds the executive direction, control, administration, and support of the Public Safety Officers' Benefits program, the Research, Evaluation and Demonstration program, the Justice Statistical program, and the State and Local Assistance program. In addition, the staff will complete phase out of the LZAA program and begin phase out of the Juvenile Justice program.

Office of Justice Assistance

Justice Assistance

Proposed Authorization Language

The Justice System Improvement Act expires on September 30, 1983. Title II of H.R. 3963, which was overwhelmingly passed by both houses of the 97th Congress provided for the reauthorization of the research, statistics, and public safety officer programs and created a new program of state and local assistance. Although the Administration supported Title II of H.R. 3963, it took exception to other provisions of the bill and as a result the President withheld approval of the bill, thus preventing it from becoming law.

The Administration will support a proposal to the Congress early in the 98th session that would reauthorize the National Institute of Justice, the Bureau of Justice Statistics, the Public Safety Officers' Benefits Program, and create a new state and local assistance program. The proposal is intended to closely parallel Title II of H.R. 3963.

Office of Justice Assistance

Justice Assistance

Justification of Proposed Changes in Appropriation Language

The 1984 budget estimates include the proposed changes in appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets. The deleted matter reflects the reference of the continuing resolution (P.L. 97-377) to S.2956 as reported.

Justice Assistance

For grants, contracts, cooperative agreements and other assistance, including salaries and other expenses in connection therewith, \$152,859,000 to remain available until expended; Provided, That the obligated and unobligated balances of funds previously appropriated to the Office of Justice Assistance, Research, and Statistics, Law Enforcement Assistance and Research and Statistics appropriations shall be merged with this appropriation.

[Law Enforcement Assistance]

[For grants, contracts, cooperative agreements, and other assistance authorized by the Justice System Improvement Act of 1979, as amended, including salaries and expenses in connection therewith, \$18,388,000, to remain available until expended; and for grants, contracts, cooperative agreements, and other assistance authorized by title II of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and expenses in connection therewith, \$70,000,000, to remain available until expended.]

[Research and Statistics]

[For research, development, demonstration, statistical and related efforts directed toward the improvement of civil, criminal and juvenile justice systems authorized by the Justice System Improvement Act of 1979, including salaries and other expenses in connection therewith, \$37,135,000, to remain available until expended.]

Explanation of Changes:

This appropriation combines two previous appropriations: (1) 15X0400 Law Enforcement Assistance and (2) 15X0401 Research and Statistics. These appropriations were authorized by the Justice System Improvement Act (JSIA) of 1979 which will be replaced by the proposed Justice Assistance Act of 1983.

Office of Justice Assistance
Justice Assistance
Crosswalk of 1983 Changes
(Dollars in thousands)

Activity/Program	1983 President's Budget Request		Congressional Appropriation Actions on 1983 Request		1983 as Enacted	
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount
1. Juvenile Justice Formula Grants.....	...	...	...	...	...	\$43,095
2. Juvenile Justice Programs:						
a. Special emphasis.....	...	...	...	14,365	...	14,365
b. National Institute of juvenile justice & delinquency prevention....	...	...	...	7,436	...	7,436
c. Technical assistance.....	...	...	...	1,804	...	1,804
d. Concentration of Federal effort.....	...	...	...	900	...	900
Subtotal.....	...	...	...	24,505	...	24,505
3. Public Safety Officers' Benefits Program..	...	\$10,800	...	...	...	10,800
4. Research, Evaluation, and Demonstration Programs.....	...	17,603	...	...	...	17,603
5. Justice Statistical Programs.....	...	14,568	...	...	...	14,568
6. Management and Administration:						
a. Executive direction & control, NIJ....	52	3,400	...	-5	52	3,395
b. Executive direction & control, BJS....	25	1,571	...	-2	25	1,569
c. Administrative services (OJA).....	118	7,714	...	-126	118	7,588
d. Executive direction & control, OJD... Subtotal.....	195	12,685	62	2,400	62	2,400
Total.....	195	55,656	62	69,867	257	125,523

Explanation of Analysis of Changes from 1983 Appropriation Request

Congressional Appropriation Actions

The Congress restored \$70,000,000 for the Juvenile Justice programs and their administration. This included 62 positions and 62 workyears. A reduction of \$133,000 was made in Management and Administration activity for Standard Level User Charges.

Office of Justice Assistance

Justice Assistance

Summary of Requirements
(Dollars in thousands)

	1982 Actual		1983 as Enacted		1984 Base		1984 Estimate		Perm. Pos.	Work- years	Amount
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount			
<u>Adjustments to base:</u>											
1983 as enacted.....									257	267	\$125,523
Uncontrollable increases.....									...	...	2,798
Decreases.....									...	...	-54
1984 Base.....									206	213	125,735
<u>Estimates by budget activity</u>											
1. Juvenile Justice Formula Grants.....	...	\$40,918	...	\$43,095	...	\$43,095	...	...	...	...	-\$43,095
2. Juvenile Justice Programs...	...	26,586	...	24,505	...	24,505	...	...	...	...	-24,505
3. Public Safety Officers' Benefits Program.....	...	10,730	...	10,800	...	10,800	...	\$12,500	...	...	1,700
4. Crime Control Programs.....	...	5,425	...	...	...	...	...	...	...	...	...
5. Research, Evaluation and Demonstration Programs.....	...	14,699	...	17,603	...	18,727	...	18,727	...	...	...
6. Justice Statistical Programs.....	...	16,164	...	14,568	...	15,407	...	17,107	...	...	1,700
7. State and Local Assistance..	...	...	...	...	...	...	...	90,000	...	...	90,000
8. Management and Administration.....	281	329 16,678	257 267 14,952	206 213 13,201	249 246 14,525	43 33 1,324					
Total.....	281	329 131,200	257 267 125,523	206 213 125,735	249 246 152,859	43 33 27,124					

Office of Justice Assistance
Justice Assistance
Summary of Resources by Program
(Dollars in thousands)

Estimates by Program	1982 as Enacted			1982 Actual			1983 as Enacted			1984 Base			1984 Estimate			Increase/Decrease		
	Perm Pos.	NY Amount	Pos.	Perm Pos.	NY Amount	Pos.	Perm Pos.	NY Amount	Pos.	Perm Pos.	NY Amount	Pos.	Perm Pos.	NY Amount	Pos.	Perm Pos.	NY Amount	Pos.
Juvenile Justice Formula Grants.....	...	\$43,095	...	...	\$40,918	...	...	\$43,095	...	...	\$43,095	...	...	...	...	...	...	-\$43,095
Juvenile Justice Programs:																		
Special emphasis.....	...	14,365	...	...	16,907	...	...	14,365	...	...	14,365	...	...	...	...	...	...	-14,365
National Institute of juvenile justice & delinquency prevention	...	7,436	...	...	6,970	...	...	7,436	...	...	7,436	...	...	...	...	...	...	-7,436
Technical assistance.....	...	2,028	...	...	2,100	...	...	1,804	...	...	1,804	...	...	...	...	...	...	-1,804
Concentration of federal efforts..	...	676	...	...	609	...	...	900	...	...	900	...	...	...	...	...	...	-900
Public Safety Officers' Benefits Program.....	...	10,131	...	...	10,730	...	...	10,800	...	...	10,800	...	...	\$12,500	...	...	...	1,700
Crime Control Programs.....	...	3,800	...	...	5,425	...	...	...	...	...	...	...	...	...	...	...	...	...
Research, Evaluation and Demonstration Programs.....	...	16,767	...	...	14,699	...	...	17,603	...	...	18,727	...	...	18,727	...	...	...	...
Justice Statistical Programs.....	...	14,557	...	...	16,164	...	...	14,568	...	...	15,407	...	...	17,107	...	...	...	1,700
State and Local Assistance:																		
Formula grants.....	...	...	...	...	...	...	...	...	...	...	...	...	...	72,000	...	...	...	72,000
Discretionary grants.....	...	...	...	...	...	...	...	...	...	...	...	...	...	18,000	...	...	...	18,000
Management and Administration:																		
Executive direction & control NJJ	62	2,908	62	62	3,020	52	52	3,395	52	52	3,195	52	52	3,195	...	...	...	...
Executive direction & control BJS	27	1,450	27	24	1,545	25	25	1,569	25	25	1,509	25	25	1,509	...	...	...	...
Administrative Services (OJA).....	130	9,623	130	176	9,713	118	128	7,588	67	74	5,966	67	74	5,966	...	...	...	...
Executive direction & control, NJJDP.....	62	2,400	62	67	2,400	62	62	2,400	62	62	2,531	40	40	1,655	-22	-22	-876	-876
State and local assistance.....	...	...	...	...	...	...	...	...	...	...	...	...	...	2,200	65	55	2,200	2,200
Total.....	281	356	329	329	331,200	281	257	267	257,523	206	213	125,735	249	246	152,859	43	33	27,124
Other Workyears																		
Holiday.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Overtime.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Total compensable workyears.....	356	356	329	329	329	267	267	267	267	213	213	246	246	246	33	33	33	8

Office of Justice Assistance

Justice Assistance

Justification of Program and Performance

Activity Resource Summary
(Dollars in thousands)

Activity: Juvenile Justice Formula Grants	<u>1983 as Enacted</u>		<u>1984 Base</u>		<u>1984 Estimate</u>		<u>Increase/Decrease</u>	
	Perm Pos.	WY Amount	Perm Pos.	WY Amount	Perm Pos.	WY Amount	Perm Pos.	WY Amount
Juvenile justice formula grants.....	...	\$43,095	...	\$43,095	...	...	...	-\$43,095

Long-Range Goal: To provide financial and technical support to State and local units of government to implement the provisions of Section 223 of the Juvenile Justice and Delinquency Prevention Act (JJDPA) of 1974, as amended.

Major Objectives:

To provide leadership and financial, technical, administrative and program support to State and local units of government to aid in the development and implementation of programs which are responsive to the issues of juvenile crime and delinquency.

To facilitate, through provision of technical/financial resources and national leadership:

- A 75% reduction in the number of status offenders and non-offenders held in juvenile detention and correctional facilities within three years from the date that each State/territory began participation in the JJDP Program.
- Removal of all status offenders and non-offenders from juvenile detention and correctional facilities within five years from the date that each State/territory began participation in the JJDP Program.

To develop and implement a nationwide strategy for achieving by 1985 a 75% reduction in the number of juveniles held in adult jails and lock-ups and for achieving by 1987 removal of all juveniles from adult jails and lock-ups, in all State/territories participating in the JJDP Program.

Base Program Description: The Office of Juvenile Justice and Delinquency Prevention (OJJDP) created a Division of Formula Grants and Technical Assistance (FOGTA) to administer the Formula Grants Program. Each State or territory wishing to participate in the Program must submit annually to OJJDP a comprehensive plan which describes how it will allocate its funds. FOGTA staff review each plan to assure its consistency with all provisions of the JJDP Act, as well as OJJDP regulations regarding program implementation.

A monitoring system has been developed by OJJDP which allows the tracking of State progress towards compliance with Section 223(a)(12) and (13) of the JJDP Act provisions. States/territories which fail to achieve substantial or full compliance within the prescribed time frames are ineligible to receive additional Formula Grant funds until the required level of compliance is achieved.

Technical assistance is provided to the States and their subgrantees upon request. Technical assistance monographs have been developed and distributed to the States and local organizations regarding nearly all areas of juvenile justice and prevention programming, encompassing the advanced techniques described in Section 223(a)(10) of the JDP Act.

Accomplishments and Workload: Since enactment of the Juvenile Justice and Delinquency Prevention Act of 1974, the provision of Federal technical and financial resources has enabled participating States to undertake a number of system-wide improvements. The Formula Grants Program has had significant impact on rates of incarceration throughout the United States.

- Between 1975 and 1979 the number of cases processed by juvenile courts decreased by almost 7%, from 1,406,100 cases to 1,306,800.
- Thirty-five of the States participating in the program have achieved full compliance with the statutory mandate to deinstitutionalize status offenders and non-offenders and eleven States are in substantial (75%) compliance; in practical terms, this means that nearly 200,000 non-criminal juveniles have been removed from inappropriate institutional confinement, leaving approximately 35,000 in inappropriate confinement in participating States.
- Fifty-two States and territories participated in the program in 1982 and all are expected to participate in 1983; all of them have established systems for monitoring jails, lock-ups and facilities which are used to detain or incarcerate juveniles.

Program Changes: A reduction of \$43,095,000 is requested for this program in 1984. Great strides have been made toward accomplishing the major statutory thrust of the JDP Act, particularly deinstitutionalization of status offenders. As a result of previous funding, monitoring capabilities and a policy framework have been created at the State level that can aid in accomplishing this goal. Almost all of the States participating in the program already have passed legislation or established policies which require deinstitutionalization. Further action will be undertaken to encourage State and local governments to provide adequate resources toward addressing problems of the juvenile justice system.

Activity: Juvenile Justice Programs	1983 as Enacted		1984 Base		1984 Estimate		Increase/Decrease	
	Perm Pos.	WY Amount	Perm Pos.	WY Amount	Perm Pos.	WY Amount	Perm Pos.	WY Amount
Juvenile justice programs.....	...	\$24,505	...	\$24,505	...	...	...	-\$24,505

Long-Range Goal: To aid in the prevention, reduction and treatment of juvenile crime and delinquency and to improve the administration of juvenile justice.

Major Objectives:

To develop knowledge regarding juvenile delinquency and related deviant behavior including serious and violent juvenile crime among youth, which can be effectively used to prevent, treat and reduce delinquent and deviant youth behavior.

To use knowledge acquired through applied research to the development of programs which prevent juvenile crime, offer alternatives to the system and improve the administration of juvenile justice.

To disseminate knowledge acquired through research, data collection, and synthesis to the juvenile justice community.

To develop and support training programs for juvenile justice and alternative system practitioners and citizens involved in volunteer efforts.

To develop standards for the operation of juvenile justice and alternative systems.

To replicate, on a nationwide basis, programs and strategies which have been proven through research, demonstration, and evaluation to be effective in the reduction and control of juvenile delinquency, including serious/violent juvenile crime.

To provide for the development and support of new approaches, techniques and methods with respect to juvenile delinquency programs, in particular violent juvenile offenders.

To provide technical assistance to State and local governments, and other service providers, on the development and implementation of programs related to violent juvenile crime, while at the same time addressing the issues of deinstitutionalization, separation, and jail removal.

Base Program Description: The National Institute of Juvenile Justice and Delinquency Prevention (NIJ/JDP) within the OJJDP, awards grants and contracts implementing a broad range of applied research to add to the knowledge base regarding the causes and correlates of juvenile crime and delinquency. The data gained is used in designing and refining OJJDP's discretionary grant programs, which are also evaluated by NIJ/JDP. In addition, the Institute serves as the information collection synthesis and dissemination center for the Office and a mechanism has been established to gather information on the nature and extent of delinquency, justice system operations, and program information. The principal method of disseminating information, data, statistics, and program information is through the National Criminal Justice Reference Service.

The Special Emphasis program has been structured and funded in ways which call national attention to distinct juvenile justice issues. Specific performance standards are set for delivery of services. Each initiative has been funded as a group of projects, with emphasis on overall program goals as well as specific project objectives. Sizeable grants are made to permit comprehensive planning, and program planning, design and implementation are coordinated with the NIJ/JDP and the Formula Grants and Technical Assistance Divisions.

Technical assistance is delivered in accordance with workplans which are developed by the recipient and the provider, and approved by OJJDP. The delivery methods that are used include on-site consultation, documentation, service brokering, workshops, training, and cluster meetings. In carrying out its coordinating functions, OJJDP works closely with the Coordinating Council and with the National Advisory Committee (NAC). The office provides staff assistance for both organizations, including arranging and scheduling meetings, providing background information, and developing agendas. In addition, OJJDP awards grants and contracts to support activities of private nonprofit groups and interagency efforts which lead to increased coordination of Federal juvenile programs and policies.

Accomplishments and Workload: During the eight years since enactment of the JDEA, the provision of Federal technical and financial resources has enabled participating States to undertake a number of system-wide improvements. In addition, several priority programs were specially identified at the national level, e.g., Restitution and Project New Pride, to provide states and localities with specific models for possible replication. These programs, which are summarized separately, have shown extremely promising results regarding juveniles' successful avoidance of future misconduct, etc.

- Since 1977, at least nine States have enacted major juvenile code revisions, e.g., Alaska, Hawaii, Indiana, Iowa, Kentucky, Maine, Mississippi, North Carolina, and Washington. Other States such as South Carolina and Connecticut have undertaken a major reorganization effort to bring all child-related statutes into one comprehensive code.

Violent Juvenile Offender Research and Development Program - This program was developed in response to Sec. 224(a)(12) of the JUDP Act and has two distinct parts. Part I is designed to test intervention strategies specifically to reduce violent behavior by effective methods of handling, treating and reintegrating violent juvenile offenders. Four sites have been selected and the program is now operational. Part II is designed to test the ability of organizations indigenous to the community to mobilize residents for the purpose of controlling youth behavior and mediating with local institutions to encourage them to exercise better control and supervision of youth. Eight sites have been selected with an award to be made to each.

Program Changes: No new funds are requested for this program in 1984, which represents a reduction of \$24,505,000. In place of Federal funds, State and local governments will be encouraged to provide resources to address problems of the juvenile justice system. Despite the substantial success of the program, it is believed that further progress can best be achieved through State and local support. Experience of the Law Enforcement Assistance Administration with the Crime Control Act indicates a significant rate of cost assumption by State and local agencies of projects previously funded. When looking at projects overall, an assumption rate of at least .65% has been achieved, and when one-time projects such as training are excluded, the rate can be as high as 85%.

Activity	1983 as Enacted		1984 Base		1984 Estimate		Increase/Decrease	
	Perm Pos.	WY Amount	Perm Pos.	WY Amount	Perm Pos.	WY Amount	Perm Pos.	WY Amount
Public Safety Officers' Benefits Program	...	\$10,800	...	\$10,800	...	\$12,500	...	+\$1,700
Public safety officers' benefits program...	...	\$10,800	...	\$10,800	...	\$12,500	...	+\$1,700

Long-Range Goal: To provide a death benefit of \$50,000 to survivors of State and local public safety officers who have died as a result of personal injury sustained in the line of duty.

Major Objectives:

To pay eligible claims within two weeks of the filing of a fully completed claim.

To issue determinations on ineligible claims within six weeks of the filing of the claim.

Base Program Description: Since the beginning of the program in 1976, a national network ensures early notification of a public safety officer's death. The help of national and state police, fire, corrections, probation, parole, judicial and fire fighter associations and unions have been enlisted in this effort. In addition, State and local criminal justice planning agencies, FBI field offices, U.S. Marshal field offices, and State Fire Marshal offices notify the agency in the event of a public safety officer's death. Employing agencies have also been notified of filing procedures through articles in major law enforcement and fire fighter journals and by posters and other program materials.

Generally, PSOB program staff receive a death report within one week of the public safety officer's death. Most of these reports are made by the employing agency. Claims are initiated by the PSOB staff when the death report is received. Employing agencies generally take from 75-80 days to file a complete claim. Eligible claims are being processed and paid within 9 days of their being filed and completely documented. Ineligible claims are being processed within 2-3 weeks of their being filed and completely documented.

When a claim is denied, appeal instructions are provided to the claimant. Appeals are heard within 60 days of the claimant's request, and decisions are rendered within 30 days of the official close of the appeal hearing. Appeals are heard by Office of Justice Assistance employees who work in other program areas, and who have been delegated hearing officer authority by the Administrator. Hearing officer denials may be appealed to the Administrator. The Director of the PSOB Program closely monitors the appeal process to ensure that proceedings and decisions occur in a timely manner. Once an appeal is heard by the agency, and the denial affirmed, the claimant may appeal directly to the Federal Court. Claims entering the Federal Court system may take from six months to two years or more to resolve, depending on how rapidly the court and the claimant's attorney respond to statutory and procedural requirements.

Accomplishments and Workload: Accomplishments of the Public Safety Officers' Benefits Program are presented in the following table:

Item	Estimates		
	1981	1982	1983
Claims Initiated.....	282	320	320
Claims Closed*.....	325	334	333
Agency Appeals Requested.....	16	16	16
Agency Appeals Closed*.....	24	20	13
Court Appeals Initiated.....	6	6	6
Court Appeals Closed*.....	7	7	9

*Figures include newly initiated claims and appeals as well as active claims and appeals carried over from a previous year.

Program Changes: The requests' increased level of funding for 1984 is required to permit payment of all anticipated eligible PSOB claims. As shown in the chart below, from 1978 through 1981 an average of about 250 claims were paid per year totalling \$12.5 million. Without the increase requested, all of the anticipated 250 eligible claims could not be paid. Appropriations in both 1982 and 1983 were insufficient and

required a reprogramming of reversionary Law Enforcement Assistance Administration funds in order to cover the shortfall of funds, however no reversionary funds will be available in 1984 so that when available funds are exhausted remaining eligible claims could not be paid. This level will restore budget authority to the approximate amount paid each year.

The following chart reflects the number of public safety officer death claims paid during the period 1978-1982:

<u>Fiscal Year</u>	<u>Eligible Claims</u>	<u>Amount Paid</u>
1978	239	\$11.95 million
1979	258	\$12.90 million
1980	231	\$11.55 million
1981	269	\$13.45 million
1982	217	\$10.81 million

Activity: Crime Control Programs	<u>1983 as Enacted</u>		<u>1984 Base</u>		<u>1984 Estimate</u>		<u>Increase/Decrease</u>	
	<u>Perm</u>	<u>Pos.</u>	<u>Perm</u>	<u>Pos.</u>	<u>Perm</u>	<u>Pos.</u>	<u>Perm</u>	<u>Pos.</u>

Crime control programs.....

This activity provides for expenditures from programs which are not authorized by the proposed Justice Assistance Act of 1983 but which were authorized by preceding legislation. Those programs have been terminated and require no new budget authority in 1984.

Activity: Research, Evaluation and Demonstration Programs	<u>1983 as Enacted</u>		<u>1984 Base</u>		<u>1984 Estimate</u>		<u>Increase/Decrease</u>	
	<u>Perm</u>	<u>Pos.</u>	<u>Perm</u>	<u>Pos.</u>	<u>Perm</u>	<u>Pos.</u>	<u>Perm</u>	<u>Pos.</u>

Research, evaluation and demonstration programs.....

Long-Range Goal: To increase knowledge about the causes and control of crime, and the efficiency, effectiveness, equity and responsiveness of the nation's law enforcement and justice administration systems and to disseminate such knowledge to Federal, State and local governments.

Major Objectives:

To advance the cumulation and synthesis of knowledge through continued support of justice research programs.

To evaluate the effectiveness of justice programs, and to determine their impact upon the quality of the Nation's justice systems.

To develop model programs for improving justice practices and procedures, and disseminate the results of research, evaluation and technology transfer programs to appropriate audiences.

Base Program Description: The National Institute of Justice (NIJ) is the only Federal agency which conducts a research program on the criminal justice system that is of benefit to State and local agencies. It provides a centralization for the production, gathering, and dissemination of new knowledge thereby allowing State and local governments and agencies to learn and benefit from each other's experience and eliminate costly duplication of research.

The initial step taken each year by NIJ in the pursuit of its goals and objectives is to develop a program plan outlining research activities planned for the upcoming fiscal year. Specific needs are identified and areas of activity selected after extensive consultation with State and local governments, related Federal agencies, and the academic community. The plan is next reviewed by the Institute's Advisory Board. Solicitations are then prepared which request proposals for research projects in each of several functional areas of study, i.e., police, adjudication, corrections, community crime prevention, crime correlates and criminal behavior, research and evaluation methods, and program evaluation. These solicitations vary according to the state of knowledge in a particular area. Proposals are reviewed by staff and through peer review processes to identify the best projects for funding. The Institute also conducts a small unsolicited research program which encourages innovative approaches to justice problems from members of the justice research and practitioner communities. NIJ projects are executed via grant awards, contract awards, or cooperative agreements to public agencies, institutions of higher education, private organizations and individuals. Inter-agency agreements are also utilized when appropriate. Once a research or evaluation project has been funded, an Institute project monitor works closely with the grantee/contractor to assure successful completion of the project and to feed project findings back into the planning process.

Based upon research and evaluation findings, syntheses and program models are developed which detail the advantages and limitations of a variety of programmatic options in a given topic area. These products are aimed specifically at practitioners to assist them in improving and implementing programs or in avoiding policies and practices which are found to be ineffective. Selected model programs are field tested in several sites and evaluated to determine the likelihood of success if replicated and institutionalized by State and local governments and operating agencies. Training workshops also are utilized in selected areas to acquaint senior operating agency officials with new programs or new research findings with significant implications for day-to-day management of their respective agencies. The Institute also produces and disseminates brief policy papers for use by Governors, state legislatures, or local executives in particular topic areas.

In fulfillment of its Congressional mandate, the Institute operates the National Criminal Justice Reference Service which serves as a national and international clearinghouse for the exchange of information on criminal justice issues.

For the publication of reports, the Institute now relies on the private publication of research reports and marketing and sale by the Government Printing Office rather than extensive free distribution by the NIJ. In addition, the initiation of a cost recovery program at the National Criminal Justice Reference Service through a schedule of user fees has returned more than \$130,000 to the contract in its first year, and will be expanded further.

Criminal justice issues receiving particular emphasis by NIJ include: violent crime and the violent offender; increasing the effectiveness of police in maintaining order and reducing the fear and incidence of crime; the criminal justice system response to the career criminal; improving the efficiency of the court system; illegal drug use and related serious crime; prison and jail population issues; and enhancing the coordination of criminal justice system components. In selecting particular topics for research attention, a strong emphasis will be placed on projects which are policy relevant and will produce findings of use to criminal justice practitioners.

In addition to the program of basic and applied research, model programs for improving justice practices and procedures will be produced, tests of innovative criminal justice strategies will be undertaken, evaluations of promising state and local criminal justice programs will be performed, and a mix of dissemination techniques will be employed to maximize the effects of NIJ research.

No additional resources are requested for this program in 1984.

Accomplishments and Workload: Selected workload data of the National Institute of Justice is presented in the following table and is succeeded by a narrative account of significant research, evaluation and demonstration project accomplishments.

	1981	1982	1983	1984
Grants and contracts awarded.....	102	90	95	95
Active research and evaluation projects monitored.....	228	220	215	215
Program models developed.....	7	6	5	6
Criminal justice workshop attendees.....	579	750	600	600
Documents distributed through Reference Service.....	508,285	450,000	400,000	400,000

A 6-year research agreement with the Rand Corporation has just resulted in an in-depth examination of career criminal issues. The study identified offender characteristics which distinguish the most criminally active offenders from the rest, and address the crime reduction potential of prison sentencing policies aimed at career criminals. Crime commission rates of high-rate offenders were also identified. For example, of the sample studied, 10 percent of the violent predators who have the highest robbery rate commit more than 135 robberies a year. The 10 percent with the highest burglary rates commit over 500 burglaries a year. The 10 percent with the highest drug dealing rates make over 4,000 drug deals a year. The study also found that selective incapacitation of serious criminals might reduce crime while conserving scarce criminal justice resources. Among California robbers, a strategy of reducing terms for low and medium rate robbers and increasing terms for high rate robbers could achieve a 15 percent reduction in the robbery rate with only 95 percent of the current population level of incarcerated robbers. Conversely, increasing terms for all robbers would require a 25 percent increase in prison population to bring about the same 15 percent reduction in crime. A related on-going project is examining the role of juvenile records in adult criminal proceedings. This effort seeks to determine, through a carefully controlled study, whether performance is hindered by policies that keep prosecutors unaware of the juvenile records of adults prosecuted for serious crimes.

NIJ recently completed a study on the impact of the exclusionary rule in California. The study showed that a significant number of felony cases declined for prosecution were rejected because of search and seizure problems, that the effects of the exclusionary rule were concentrated on felony narcotics cases, and that half of the defendants released because of the rule were rearrested within two years for new offenses.

The NIJ-supported Center for the Study of Criminal Violence has completed the first phase of its long-term research program. It has produced the most comprehensive review of the current state of knowledge concerning violence since the work of the National Commission on the Causes and Prevention of Violence more than a decade ago.

A study which examined the nature and patterns of American homicide from 1968 through 1978 is nearing completion. This study documents a dramatic rise in the homicide rate during the early seventies, followed by a slight decline. It found quite variable changes in the rate according to region and confirmed the profile of victims as most often being male, and disproportionately young (25-29) and black. Firearms, and most frequently handguns, were used in approximately 70% of all homicides occurring during that period.

A major study of crime in the United States from 1948 through 1978 revealed that increases in crime were experienced by cities regardless of their individual socio-economic characteristics. This study postulated that crime increases during that period are explained by changes experienced nationally rather than locally.

A recent study of citizen reporting of serious crime confirmed the findings of an earlier study in Kansas City by concluding that only 25% of calls received by police hold the potential for on-scene arrests, and that the average citizen waits too long to report a crime for the police to have a reasonable chance of making an arrest at the scene no matter how fast their response.

A collaborative study with the National Institute on Drug Abuse analyzed integrated data from court and treatment records in the District of Columbia on reported drug use, prior treatment, current arrest charge and urinalysis tests on 58,000 arrestees detained by the Superior Court from 1973-1977 with arrest records for over 7,000 cases from 1973-1978. The study provides extensive analyses on the relations between arrestee characteristics and drug usage, the likelihood of drug-positive arrestees to be involved in different types of crime, case outcomes, and the utility of urinalysis information for pre-trial release decisions involving drug-abusing arrestees.

Research on crime victims indicated that most of them turned to friends, neighbors and relatives for assistance and support as a result of their crime experience and in the process, such support groups also experience significant financial and emotional consequences of the victimization. Other research on victims includes a review of current knowledge aimed at advancing our ability to predict, prevent, and provide for the consequences of crime on its victims. NIJ recently published a manual on assisting child victims of sexual abuse which documents the operation of projects in Seattle and Washington, D.C. In response to the recommendation of the Attorney General's Task Force on Violent Crime, a study of victim compensation programs was initiated which will expand and update earlier NIJ work in this area.

Also in response to a recommendation of the Task Force on Violent Crime, a policy brief is being developed which will be designed to help communities address serious crime in schools. Included will be an analysis of case law that deals with the identification, apprehension and prosecution of youth who commit criminal acts in schools.

In the corrections area, a recently completed study examined the effects on inmate behavior of living in different types of inmate housing that varied greatly in spatial and social density. The study contained important implications for facility design and the effective management of prison populations.

Based on NIJ's five volume survey of American prisons and jails, documents are being produced which will distill for state officials and correctional administrators the full range of policy and design issues in the construction of correctional facilities.

Using data from previous studies, NIJ has initiated four studies which will provide basic information regarding the flow and characteristics of jail populations. While more persons come into contact with their local jail system each year than are sentenced to correctional supervision, including probation, little is currently known about jail populations and the problems they generate.

Efforts to improve the management and delivery of police services have resulted in a series of documents for police administrators. Measuring the Cost of Police Services applies cost analysis techniques to discrete police services, Police Resource Sharing examines the benefits of cooperative arrangements for small police departments, and Police Work Scheduling presents scheduling options to accommodate workload, reduce overtime costs and increase officer satisfaction. In addition, a workshop series on improving police management was presented to police executives.

A number of evaluations were undertaken in 1982, including: a Statewide evaluation of New York's gun law, evaluation of the Institute's Differential Police Response field test, an evaluation of the Jail Overcrowding Program, evaluation of intensive probation supervision for violent offenders, and an evaluation of a gang violence deterrence program in Los Angeles. The results of these evaluations are shared with the projects evaluated so they may improve and refine project components, and are disseminated to jurisdictions where similar program initiatives are being considered or may be appropriate.

Activity: Justice Statistical Programs	1983 as Enacted			1984 Base			1984 Estimate			Increase/Decrease	
	Perm	Pos.	Amount	Perm	Pos.	Amount	Perm	Pos.	Amount	Pos.	Amount
Justice statistical programs.....	\$14,568	...	...	\$15,407	...	...	\$17,107	...	\$1,700

Long-Range Goal: To assist policy and decisionmaking officials at the Federal, State and local levels of government by providing a national center for the collection, analysis, and dissemination of comprehensive and accurate statistical information concerning crime and the operation of justice systems at all levels of government and to provide the public with such statistical information.

Major Objectives:

To collect, analyze, and publish statistical information on crime and the operations of justice systems at all levels of government, and to provide such information to the President, the Congress, the Department, State and local executives and officials, and the public.

To develop and maintain an analytic program which will address the implications of national criminal justice statistics for Departmental policy and legislative initiatives.

To sponsor programs that provide technical assistance on the collection and use of statistics for policy development and program implementation and evaluation at the Federal, State, and local levels of government.

To recommend national standards for justice statistics and for ensuring the interstate comparability, reliability and validity of justice statistics.

To conduct and support assessments and evaluations regarding methods of gathering, analyzing and disseminating justice statistics.

To encourage the development, maintenance, and utilization of State and local governmental organizations and facilities responsible for the collection and analysis of criminal justice data and statistics.

To ensure compliance with requirements relating to confidentiality and security of data.

To develop national reports and bulletins aimed at improving the understanding of the general public concerning crime, crime prevention, and the functions of law enforcement, judicial and correctional agencies.

Base Program Description: The Bureau of Justice Statistics (BJS) is the national repository for statistical information dealing with crime and the operation of criminal justice systems at all levels of government, the source of financial and technical support to state statistical and operating agencies in all fifty states and the developer of national information policy on such issues as data privacy, confidentiality and security, interstate exchange of criminal records, and related issues.

Establishment of BJS culminated over half a century of recommendations urging the establishment of an independent and objective national center for criminal justice statistics in order to provide basic information on crime to the President, Congress, the judiciary, state and local governments, media, and the general public. Creation of the Bureau was intended to insure (1) collection of adequate statistics on crime and the response to crime from Federal, State and local criminal justice agencies; (2) continuous work to improve the accuracy, completeness and usefulness of these agencies' statistics; (3) assistance in the development of adequate State and local statistical systems; (4) continued attention to policy implications of criminal justice data collection, utilization, and exchange; and (5) the conduct of surveys, censuses, and special studies in response to immediate policy issues confronting the Department of Justice and Congress.

The principal mechanisms for obtaining national criminal justice statistics are: (1) an interagency agreement with the Bureau of the Census to collect and analyze data; (2) support of major national criminal justice organizations to gather data from their constituent agencies; (3) cooperative agreements with State and local agencies, guided by established standard information needs and statistical requirements and standards as identified by BJS; and (4) cooperative agreements and contracts with educational institutions and other organizations with expertise in criminal justice.

The Census Bureau is the principal data collection mechanism for BJS, and has an important role in analyzing the data and preparing reports for publication and dissemination subject to BJS specifications. Depending on the nature of the program, the Census Bureau collects data in one of two ways. One way is to obtain information through a personal visit or a telephone call to an individual or a household; the National Crime Survey of Victimization utilizes this method of collection. The second method relies on the administrative records maintained by operating criminal justice agencies to provide summary information for their State, region, or locality to the Census Bureau; the National Prisoner Statistics Program is an example of this method of data collection.

The National Crime Survey (NCS) redesign project continues with a projected completion date of 1985, when a fully redesigned survey will be in place. Phase I of the effort began in 1979 with an objective of carrying out an intensive assessment of the survey including an examination of the reliability and accuracy of the NCS data, alternative means for collecting data, alternative sample designs, and improvement in the explanatory utility of the data for policy makers, researchers, and the public. Phase II will involve testing alternative questionnaires and data collection methodologies and strategies. The project will be conducted by a consortium of organizations possessing expertise in the area of survey methodology, as was Phase I.

BJS enters into cooperative agreements with established State Statistical Analysis Centers to (1) obtain data for national compilations; (2) sponsor multistate analyses of specific issues in criminal justice; (3) develop transferable techniques in statistical analysis for the mutual benefit of the States and BJS; and (4) maintain a clearinghouse function at the State level for disseminating criminal justice

information. BJS also supports the training of State and local personnel in statistical techniques and coordination among the individual State Statistical Analysis Centers. In addition, BJS encourages the improvement of operational criminal justice statistical systems in the States by establishing national standards for data and by supplying technical assistance to integrate data bases and assure effective and accurate national reporting.

The Uniform Crime Reporting (UCR) Program Assessment is being performed as a major cooperative effort between BJS and the FBI. The project is intended as a comprehensive analysis of UCR reporting methodology and will identify areas of possible modification, evaluate alternative data collection methodologies and develop recommendations for improved UCR reporting. This project will be performed by a consortium of organizations and will be conducted with maximum input from law enforcement agencies participating in the UCR Program.

The Justice System Improvement Act (JSIA) of 1979 established a new mandate for BJS in the area of Federal statistics which is also contained in the Justice Assistance Act of 1982. The focus of this effort is the development of inter-agency procedures which will provide for the collection, collation and analysis of Federal criminal transaction data. Initial efforts in this area have been directed toward the (1) identification of Federal justice data sources, (2) analysis of the methodological and legal issues associated with coordinating data derived from disparate data bases, (3) the initiation of inter-agency negotiations in order to identify Department of Justice data needs and capabilities, and (4) the development of two major publication series which will provide for comprehensive presentation of Federal criminal justice data and specific statistical analysis in identified areas of interest. In subsequent fiscal years, efforts will continue toward the collection and analysis of Federal criminal justice data and the preparation of statistical reports. Accomplishment of these objectives is achieved through the award of a major cooperative agreement and through efforts of in-house staff.

Also in the Federal criminal justice data area, primary efforts regarding specific areas of Federal concern will be directed toward the statistical analysis of electronic crimes and new kinds of white collar crime resulting from computer and data communications technology advances. These efforts will be conducted, as funds permit, through the award of cooperative agreements and will require extensive public and private sector interaction and cooperation.

While the major emphasis is and will continue to be placed upon Federal criminal justice data collection and analysis, preliminary efforts by in-house staff have also been directed toward assessment of the feasibility of compiling and analyzing statistical information regarding Federal civil justice activity. Initial efforts will be to ascertain the needs and interest of the Civil Division in statistical compilations.

BJS will continue to prepare briefing material on crime and the criminal justice system for the White House as part of the National Indicators System (NIS). BJS was designated as a lead agency for purposes of this program in 1981. The program has been restructured so that now there are three alternative briefing formats, depending on White House requirements. The first, and lengthiest, is the Formal Briefing. The Formal Briefing takes about 8 weeks to prepare and results in a briefing designed to be given in a half-hour oral presentation with a discussion period following. The NIS Briefing Violent Crime in the United States that was prepared by BJS staff was a formal briefing. The second format, Special Topics Briefing Memoranda, is much shorter than formal briefings and requires one to two weeks of preparation time. The third format is entitled the QPR Outlook. The office responsible for the NIS, the Office of Planning and Evaluation (OPE), has begun a new report to Mr. Meese, Presidential Counselor, that contains information of sufficient importance or topical interest to warrant the attention of senior White House staff. Preparation time for QPR Outlook is less than one week. BJS will suggest items for Special Topics Briefing Memoranda and QPR Outlook throughout the fiscal year. The Formal Briefing will be prepared upon request.

BJS will initiate efforts to explore the feasibility of statistical studies on topics of particular relevance to policy makers at all levels of government. Among these topics are recidivism and career criminals, sentencing, bail reform, and community crime control.

In order to increase the utility of machine-readable criminal justice data sets for units of State and local government and criminal justice researchers, BJS continues to support the National Criminal Justice Data Archive at the University of Michigan. The Archive is responsible for acquiring and maintaining machine-readable data files of information collected for BJS, as well as data collected for the National Institute of Justice, the FBI, and others. In addition to providing specific assistance to criminal justice analysts and researchers regarding the use of the data, the Archive offers training aimed at familiarizing data analysts with Archive holdings and providing experience in working with and analyzing these data.

Finally, for several years, national leadership has been provided in the areas of statistical/research confidentiality and privacy of information, consistent with statutory requirements. This has been accomplished both through in-house staff efforts and under grants and contracts for preparation of materials identifying and analyzing relevant techniques and procedures.

Accomplishments and Workload: The following table presents selected workload data of the Bureau of Justice Statistics and is followed by major accomplishments of the Bureau.

Item	Estimates	
	1981	1982
Major statistical series maintained.....	5	6
Statistical and related reports prepared.....	40	40
Number of reports disseminated.....	408	411
State statistical projects supported.....	35	70
Number of requests for data sets filled by criminal justice data archive.....	510	512
Number of information requests filled.....	975	912

Under the National Crime Survey (NCS) Program, interviews were conducted in 60,000 households in order to obtain data on the impact, frequency and consequences of criminal victimization on the American public. NCS findings were presented in an annual report on victimization, a report discussing trends in victimization since 1973, and various special reports, including analyses of criminal victimization among the elderly, the extent of crimes committed by strangers, and the impact of crime upon specific segments of the population. The NCS is the Nation's principal source of information on the victims of crime.

In 1979, BJS began a major multi-year assessment of a range of methodological issues with the National Crime Survey. Over the past year, the NCS Redesign Consortium has completed a number of scheduled tasks including an evaluation of the use of computer-assisted telephone survey techniques as an alternative to current Census Bureau interviewing procedures; studies of crime incident recall to investigate measurement errors associated with the length of time between incident and interview; preparation of a computer routine to link NCS data longitudinally; and the establishment of committees to investigate more efficient sampling procedures and strategies for facilitating longitudinal processing and use of NCS data.

In the area of correctional statistics, a special program was instituted to collect and publish quarterly statistics on the Nation's prison population so that more timely data would be available on this critical issue. The first two quarters of prison data were published in the BJS bulletin, Prisoners at Midyear and served as an early warning that prison population would increase dramatically in 1981. A survey was designed

and developed which will produce annual data on the number of inmates in local jails beginning in 1982. Annual data on jail populations are essential to measure the backup from prisons in jail and to see whether jails are approaching the crisis conditions of the prisons. Two studies based on the Survey of Prison Inmates and the Census of State Correctional Facilities were published: Prisons and Prisoners and Veterans in Prison.

In the area of judicial statistics, there was continued support for the State Court Statistics Project, culminating in the publication of the Annual Report of State Court Statistics. In addition, a monograph was prepared to assist State courts in compiling standardized statistical reports. An Analysis of Felony Case-Processing in 13 Jurisdictions was conducted using data derived from the Prosecutor's Management Information System (PROMIS). Finally, an effort was initiated to obtain statistical information regarding public defender programs.

Data from these series served as the basis for the Bureau's issuance of regular technical reports dealing with criminal victimization and criminal justice system operations. The data from these series served as the principal source of information for the Bureau's preparation of the National Indicators System briefing on Violent Crime in the United States which was presented to the President and Attorney General in the Fall of 1981. Data for these ongoing series were also directly provided to the Attorney General's Task Force on Violent Crime, used for analysis associated with BUS' newly initiated bulletin series, and served as the basis for answering requests for statistical information from Congress and the Department of Justice. Another major conduit for the presentation of these data is the Report to the Nation on Crime and Justice which has been designated as a priority project by the Attorney General and will be published in fiscal year 1983.

In 1981 and 1982, a major statistical program was initiated in the area of Federal justice statistics. During the past year, efforts were initiated to implement the statutory mandate that the Bureau collect and analyze Federal transaction data. These efforts have culminated in (1) the preparation of a comprehensive report which examines a variety of issues including the identification of existing data sources; (2) the analysis of legal, technical and operational issues associated with coordinating existing data from varying Federal statistical systems; (3) the initiation of inter-agency negotiations necessary to identify data needs, capabilities and procedures for data exchange leading to long-term analysis and dissemination; and (4) the completion of a comprehensive review of Federal case and offender processing which resulted in the publication of a bulletin introducing BUS' efforts in this area. During 1981 and 1982, the Bureau has also directed its attention to the matter of Federal civil justice statistics. In this regard, a comprehensive working paper analyzing the sources of civil justice data and the issues confronting long-term data collection and analysis was developed and circulated for comment and to obtain guidance from the Civil Division on future directions.

Under the rubric of the Federal statistics program, BUS has also continued its efforts examining the effect of crime on specific areas designated as being of Federal concern. In 1981 and 1982, a major developmental effort was supported in the area of Electronic Funds Transfer System (EFTS) crime. The project examined the methodological issues associated with developing a data collection and analysis strategy for EFTS crime. Based upon the findings from that effort, a major data collection project will be considered for 1983, after consultation with the Criminal Division. During 1981-82, BUS also released four major documents dealing with data security and information policy. These included a biannual update of a compendium of State privacy laws, an analysis of policies relating to media access to criminal justice data, a review of legislation regarding private employer access to criminal justice records, and a document describing current techniques to secure automated data.

The long-term regularized collection of statistical data from State and local agencies is largely dependent upon the existence of automated and manual information systems capabilities. In recognition of the relationship between statistical reporting and information systems, BUS has completed its efforts aimed at enhancing law enforcement information systems which assist agencies in the processing and submission of UCR data and other criminal justice statistical series. The primary objective of this assistance is to ensure that systems provide maximum feasible

support to statistical programs administered by BJS. In addition, technical documentation designed to assist State level corrections agencies in performing data analysis and statistical processing has been prepared and disseminated. Special emphasis has been placed on the use of forecasting systems to predict future prison and jail populations, the need to remove impediments to the regularized submission of State level corrections data through a program of assistance to state corrections agencies, and the need to improve the quality of probation, parole and corrections data to support national statistical series.

At present there are 41 Operational State Statistical Analysis Centers (SACs), with some 18 States having assumed full support of their operations. During the past year, BJS made awards to four States for establishing new SACs, and provided eleven other awards to States that are moving toward full support of their statistical operations.

With the establishment of SACs in many States, BJS has sought to increase the SAC's utilization as a clearinghouse for criminal justice information and as a liaison between criminal justice agencies in the State and BJS. During the past year, support was provided to ten States for this function. In addition, the Bureau entered into 20 cooperative agreements with SACs for investigating and analyzing specific criminal justice issues. Analyses were directed toward issues of importance to the States and, in some cases, were performed cooperatively by the SACs of several States. Some of the issues examined during the past year include: prison population predictions, analysis of the criminal histories of adults who had been incarcerated as juveniles, use of risk assessment techniques to judge the dangerousness of pre- and post-trial conditional release of specific individuals, arson investigation, and development of innovative mathematical techniques for data analysis. BJS also has entered into seven cooperative agreements for analyzing State offender-based transaction data. The data are submitted to BJS for multi-State aggregation and analysis.

Support was provided by BJS to the Criminal Justice Statistics Association (the national organization of State SAC directors) in providing assistance and coordination to the SACs. Activities included an annual national technical conference, workshops in prison population prediction and risk assessment (that is, determining the danger to the community presented by releasing offenders with various characteristics and histories), and assistance to SACs in developing and analyzing data on the processing of offenders between arrest and disposition.

In recent years, BJS has provided regular assistance to States in maintaining Uniform Crime Reporting centers, with a special program of assistance to States whose programs have faced special problems or required reestablishment. With the award of grants to four States over the past year, some 40 States are now capable of providing improved State-level data to the FBI. This program has been essential to State efforts to conduct analyses which provide more detailed information about criminal incidents.

The Bureau continued publication of its monthly bulletin series covering both current criminal justice statistics and special criminal justice topics. Over the past year bulletin topics included Crime and the Elderly, Measuring Crime, Veterans in Prison, Violent Crime by Strangers, Prisoners in 1981, Criminal Justice Information Policies, Death-Row Prisoners 1981, and Probation and Parole.

In order to increase the utility of criminal justice data, the National Criminal Justice Data Archive at the University of Michigan increased the number of data sets available for dissemination to sixty, provided training in data analysis techniques for criminal justice professionals and researchers, and conducted a survey of users to determine their satisfaction with the services.

Program Changes: The 1984 request for this program provides funds to expand efforts in two program areas: Federal Justice Statistics and Corrections Statistics.

In the area of Federal statistics, the increase will allow a major longitudinal analysis of a cohort of Federal offenders and the preparation and dissemination of the Statistical Report on the Federal Justice System. Development of the cohort data base will represent an initial effort to integrate both manual and automated data systems and to thereby establish a comprehensive data base tracking Federal offenders and cases. Such a comprehensive data base will represent a major continuing resource and will provide a vehicle for ongoing analysis of specific issues and longitudinal trends. This objective was an area of major emphasis and concern to Congress in framing BJS' programmatic responsibilities under the Justice System Improvement Act. The Statistical Report on the Federal Justice System is scheduled for initial publication in 1984. This document will serve as a principal means of regularly disseminating comprehensive and standardized statistical information and analyses prepared under the Bureau's Federal statistics program.

In addition to the Bureau's efforts in the area of Federal criminal statistics, activities can proceed in the area of Federal civil justice operations. The task of building a Federal civil statistics program requires nurturing contacts with civil justice agencies and practitioners, identifying data sources both inside and outside government, examining information systems, and building a basis to enter an operational phase. Initial activity will be a feasibility study to provide a documented trail to usable data sources and a plan for the coherent integration of these data.

Over time, it is envisioned that BJS will, consistent with legislative authority, assume responsibility for primary analysis and regular issuances of Federal justice statistics. Although data collection will continue to be directed by individual agencies within the Federal justice system, the regular release of composite transaction data by BJS will for the first time provide an indicator which can be utilized for development of short- and long-term policy and operational strategies for the Federal justice system.

In the corrections area, the quinquennial census of State Correctional Facilities and the Survey of Inmates of State Correctional Facilities will be conducted. In 1983, BJS will conduct the National Census of Local Jails and the Survey of Inmates of Local Jails. In 1984, BJS plans call for the Census of State Correctional Facilities to be conducted. The jail studies and the prison studies are each done at five year intervals, with jail studies previously conducted in 1972 and 1978 and prison studies conducted in 1974 and 1979. The census of jails and the census of prisons each provide the only national data on the number of correctional institutions in the country, their capacity, the degree of overcrowding, their staffing, programs and facilities. The survey of inmates provides the only national profiles of inmates including the demographic and the socioeconomic characteristics, criminal history, current offense, substance abuse and veterans' status. These studies contain the only national data on time served by individual inmates according to offense which is an especially sought after statistic.

It is important to update this information periodically because corrections is the sector of the criminal justice system that is in the greatest state of change. There is overcrowding in many institutions; close to forty States are under court order to reduce crowding or are in some other type of litigation concerning prison conditions. This program would produce information on changes in the level of overcrowding, the extent of the spillover from prisons to local jails, and changes in characteristics of the incarcerated population.

Activity: State and Local Assistance	1983 as Enacted			1984 Base			1984 Estimate			Increase/Decrease		
	Perm	Pos.	MY	Amount	Perm	Pos.	MY	Amount	Perm	Pos.	MY	Amount
Formula grants.....	\$72,000	...	...	...	\$72,000
Discretionary grants.....	18,000	...	...	...	18,000
Total.....	90,000	...	...	...	90,000

This budget activity provides resources for the new state and local assistance program.

	1983 as Enacted			1984 Base			1984 Estimate			Increase/Decrease	
	Perm	Pos.	NY	Perm	Pos.	NY	Perm	Pos.	NY	Perm	NY
Formula grants.....
										\$72,000	\$72,000

Long-Range Goal: To provide financial and technical support to assist State and local governments in implementing specific programs which offer a high probability of improving the functioning of the criminal justice system, targeted primarily against violent and repeat offenders (adult and juvenile).

Major Objectives:

To implement a program of formula grants that provide federal financial assistance for carrying out effective justice improvement programs in 52 States.

To provide training and technical assistance to formula grant recipients in support of their implementation of effective programs.

To administer the formula grant program so as to assure a minimum of red tape and delay for grant recipients.

To establish and administer, in cooperation with the States, a system of performance reporting on the activities and results of the formula grant program.

Base Program Description: This is a new program.

Accomplishments and Workload: Since this is a new program there are no prior year data to report. However, it is envisioned that the following workload measures will be used in future years:

Item	1984 Estimate
Number of formula grants awarded.....	52
Number of effective programs implemented.....	600
Number of effective programs continued after Federal support ends..	*

* It is estimated that about 85 percent (510) of the programs implemented will be continued.

Accomplishments will be measured by performance data related to the specific programs to be implemented. For example, we plan to use measures such as the:

- Increase in "career criminal" prosecutions and convictions.
- Number of victims and/or witnesses provided assistance.
- Number of citizens involved in crime prevention activities.
- Number of persons arrested and convicted as result of STING operations and value of stolen property received.
- Number of substance abusers receiving treatment as a result of TASC.

Program Changes: This decision unit describes the new Formula Grants program authorized by Part B of the proposed Justice Assistance Act (JAA). The program provides for grants to the States to assist in carrying out effective justice improvement programs. It differs sharply from previous criminal justice block grant programs administered by the now defunct Law Enforcement Assistance Administration in that federal monies may only be used for a limited number of purposes and for programs that have proven to be effective.

Under this targeted approach, formula grants will be used to carry out such successful programs as Career Criminal, the Integrated Criminal Apprehension Program (ICAP), Treatment Alternatives to Street Crime (TASC), STING, Prosecutors Management Information System (PMIS), Comprehensive Crime Prevention, Arson Control and Prevention, and Victim and Witness Assistance. These are all initiatives which have demonstrated their value, cost-effectiveness and adaptability.

Formula grants will be awarded to States with each receiving a base amount of \$250,000 and the remainder allocated according to relative population. The individual State allocations based on current population data are shown at the end of this decision unit. Federal monies will be matched dollar for dollar, thereby assuring significant State and local commitment to the program and maximizing the impact of Federal assistance. Federal funds will not be used for administrative purposes, construction, equipment, or personnel costs unless these are an incidental and necessary part of an effective improvement program. Federal assistance for a given program or project is not to exceed four years; rather, the recipient is to assume the full cost of the project within this period.

The Formula Grants program under Part B of the Proposed Justice Assistance Act, will be administered by the Bureau of Justice Programs (BJP) established by the JAA. Formal administrative procedures and requirements have yet to be developed in detail; nevertheless, it is envisioned that the application process will be extremely simple. The State office designated by the Governor to administer the program on behalf of the State will submit a single, two-year application that identifies the specific programs to be supported and the implementing unit of government, and contains assurances of compliance with various administrative requirements, including the submission of annual performance reports.

BJP staff will be responsible for reviewing and approving State applications, monitoring the implementation of the grants, and assisting with and reviewing annual performance report submissions.

While training and technical assistance will be funded under Part F of the proposed Justice Assistance Act, they will be linked to the implementation of effective improvement programs by States and localities under the Formula Grants program. Part F monies will be used to develop training programs and TA capabilities that support the implementation of programs such as career criminal, and to complement the direct financial assistance available through the Formula Grants. BJP staff will manage and broker the delivery of training and TA in conjunction with the formula grant program.

Office of Justice AssistanceState and Local AssistanceProposed Distribution of Formula Grant Funds

ALABAMA.....	\$1,249,000	NEW HAMPSHIRE.....	\$486,000
ALASKA.....	353,000	NEW JERSEY.....	2,142,000
ARIZONA.....	948,000	NEW MEXICO.....	584,000
ARKANSAS.....	837,000	NEW YORK.....	4,761,000
CALIFORNIA.....	6,330,000	NORTH CAROLINA.....	1,759,000
COLORADO.....	992,000	NORTH DAKOTA.....	418,000
CONNECTICUT.....	1,048,000	OHIO.....	3,023,000
DELAWARE.....	403,000	OKLAHOMA.....	1,027,000
DISTRICT OF COLUMBIA.....	414,000	OREGON.....	926,000
FLORIDA.....	2,752,000	PENNSYLVANIA.....	3,298,000
GEORGIA.....	1,654,000	RHODE ISLAND.....	493,000
HAWAII.....	498,000	SOUTH CAROLINA.....	1,051,000
IDaho.....	492,000	SOUTH DAKOTA.....	427,000
ILLINOIS.....	3,183,000	TENNESSEE.....	1,429,000
INDIANA.....	1,660,000	TEXAS.....	3,905,000
IOWA.....	998,000	UTAH.....	625,000
KANSAS.....	857,000	VERMONT.....	381,000
KENTUCKY.....	1,190,000	VIRGINIA.....	1,623,000
LOUISIANA.....	1,330,000	WASHINGTON.....	1,311,000
MAINE.....	539,000	WEST VIRGINIA.....	751,000
MARYLAND.....	1,333,000	WISCONSIN.....	1,459,000
MASSACHUSETTS.....	1,724,000	WYOMING.....	371,000
MICHIGAN.....	2,628,000	PUERTO RICO.....	1,071,000
MINNESOTA.....	1,297,000	TOTAL.....	72,000,000
MISSISSIPPI.....	897,000		
MISSOURI.....	1,513,000		
MONTANA.....	452,000		
NEBRASKA.....	653,000		
NEVADA.....	455,000		

This distribution is based on the formula contained in the proposed Justice Assistance Act

	1983 as Enacted		1984 Base		1984 Estimate		Increase/Decrease	
	Perm Pos.	NY Amount	Perm Pos.	NY Amount	Perm Pos.	NY Amount	Perm Pos.	NY Amount
Discretionary grants.....	\$18,000	...	\$18,000

Long-Range Goal: To strengthen and improve State and local justice systems through national discretionary grants that support training, technical assistance, priority national (or multi-State) projects, and demonstration programs.

Major Objectives:

To provide training and technical assistance in new and effective program strategies, including those eligible for funding under the Formula Grants program.

To design and implement 2-3 priority national-scope (or multi-State) projects.

To design and implement 5-6 programs that, based on previous research or experience, are likely to prove their general value and marketability if demonstrated in a select number of jurisdictions.

Base Program Description: This is a new program.

Accomplishments and Workload: Since this is a new program there are no prior year accomplishments or workload data to report. However, it is envisioned that the following measures will be used in future years:

Item	1984 Estimate
Program briefs disseminated.....	30,000
Technical manuals disseminated.....	15,000
Training curricula developed/refined.....	12
Instance of on-site TA provided.....	300
National projects developed/managed.....	3
Demonstration programs developed/managed.....	6
Training workshops conducted.....	20

Program Changes: This decision unit describes the new Discretionary Grants program authorized by Part F of the proposed Justice Assistance Act (JAA). Discretionary grants may be used for four distinct but interrelated purposes, training, technical assistance, national or multi-jurisdictional projects, and demonstration programs. Eligible recipients of discretionary grants are States, local governments and nonprofit agencies.

The Discretionary Grants program will be administered by BJP. The Director of the Bureau of Justice Programs (BJP) will consult with NJJ, BJS, OJJDP, State and local governments and others regarding priorities for discretionary grants and publish the proposed priorities in the Federal Register for public review and comment.

Application procedures will be streamlined. Where appropriate, State review and comment procedures pursuant to Executive Order 12372 will be followed. Grants can be up to 100% of project costs.

Training and Technical Assistance. Training and technical assistance provided under the Crime Control Act have proven to be useful and cost effective means for upgrading the capabilities of criminal justice system professionals and their agencies and helping them implement new program concepts and techniques. It will be focused on training and technical assistance necessary to support State and local implementation of effective programs such as Career Criminal, ICAP, STING, TRASC, Arson Prevention and Control, Crime Prevention, PROMIS and Victim and Witness Assistance. A mix of training and TA resources will be available to State and local governments to assist in the implementation of these successful programs. Monies will be used to prepare 10-12 program briefs and technical manuals that document these programs and provide "how-to" information; to develop supporting training curricula and to deliver assistance in program planning, management and operations. BJP staff will manage and broker the delivery of training and technical assistance. The allocations of resources among program areas will be determined largely by projected demand based upon State formula grant applications.

National/Multi-Jurisdictional Projects. Sec. 601(a)(3) of the proposed Justice Assistance Act authorizes discretionary grants for national or multi-state projects. These projects will be high priority initiatives that have the potential for significant impact and widespread effect. The program to establish standards and an accreditation process for law enforcement agencies is an example of the types of activity that may be supported.

Demonstration Program. Sec. 601(a)(4) authorizes demonstration programs. These are programs that allow for the further refinement and validation of new and innovative approaches, drawn from research or experience, prior to widespread replication and marketing.

	1983 as Enacted			1984 Base			1984 Estimate			Increase/Decrease	
	Perm Pos.	NY	Amount	Perm Pos.	NY	Amount	Perm Pos.	NY	Amount	Perm Pos.	Amount
Activity: Management and Administration											
Executive Direction & Control, NTJ.....	52	52	\$3,395	52	52	\$3,195	52	52	\$3,195	...	...
Executive Direction & Control, EUG.....	25	25	1,569	25	25	1,509	25	25	1,509	...	...
Administrative Services, OJA.....	118	128	7,588	67	74	5,966	67	74	5,966	...	...
Executive Direction & Control, QJDP...	62	62	2,400	62	62	2,531	40	40	1,655	-22	-22
State and Local Assistance.....	...	...	...	...	...	...	65	55	2,200	+65	+2,200
Total.....	257	267	14,952	206	213	13,201	219	216	14,525	+43	+1,324

Long-Range Goal: To provide executive direction, control and administrative support to the research, statistical, state and local assistance and public safety officers' benefits programs.

Major Objectives.

To develop annual program plans, prepare and disseminate solicitations, review concept papers and proposals, process grant and contract awards, and monitor funded projects.

To develop program models; design, implement and evaluate field tests.

To design, implement and assess criminal justice workshops.

To maintain an efficient National Criminal Justice Reference Service (NCJRS).

To analyze and publish statistical information on crime and the operations of justice systems at all levels of government.

To manage major national statistical series regarding crime, its victims, and the operation of the justice system.

To provide technical assistance on the collection and use of statistics for policy development, program implementation, and evaluation at the Federal, State, and local levels of government.

To develop statistical reports, bulletins and national advisories aimed at improving the understanding of the general public concerning crime, crime prevention, and the functions of law enforcement, judicial and correctional agencies.

To process and determine the eligibility of claims for payment of benefits under the Public Safety Officers' Benefits Program.

To provide control and support services for the OJA program offices including close out services for terminated programs.

To provide technical assistance to state prisons concerning prison industry enhancement.

To submit three annual reports to the President and Congress; one on research, one on statistics, and one on state and local assistance.

Base Program Description: The proposed Justice Assistance Act establishes the position of Assistant Attorney General who has final authority over the activities of the Office of Justice Assistance, the National Institute of Justice, and the Bureau of Justice Statistics. In view of this change we have compressed four previous budget activities into one: Management and Administration. In addition, staff to administer the new program of State and Local Assistance is included in this activity.

Executive Direction and Control, NIJ. The National Institute of Justice accomplishes its objectives primarily through the awarding of grants, contracts, or cooperative agreements to public agencies, institutions of higher education, private organizations and individuals.

A program plan is developed for each fiscal year, with specific activities identified after extensive consultation with State and local governments, related Federal agencies, and the academic community. The plan is reviewed by the Advisory Board prior to preparation of solicitations which request proposals for research projects. Proposals are reviewed by staff and a peer review process in order to identify the best projects for funding. Once a research or evaluation project has been funded, an Institute project monitor works closely with the grantee/contractor to assure the successful completion of the project and to feed findings back into the planning process.

Based upon research and evaluation findings, syntheses and program models are developed. Selected model programs are field tested in several sites and evaluated to determine the likelihood of success if replicated and institutionalized by State and local governments and operating agencies. Training workshops also are utilized in selected areas to acquaint senior operating agency officials with new programs or new research findings with significant implications for day-to-day management of their respective agencies. The Institute also produces and disseminates brief policy papers for use by Governors, State legislatures, or local executives in particular topic areas and operates the National Criminal Justice Reference Service which serves as a national and international clearinghouse for the exchange of information on criminal justice issues.

Executive Direction and Control, BJS. The Bureau of Justice Statistics (BJS) is responsible for all statistical functions associated with the maintenance of national criminal justice statistical series and data bases. A significant ancillary activity related to statistical functions is the provision of technical assistance for the dissemination of computer based information systems that support the submission of statistical data.

The principal means of accomplishing these responsibilities are through: (1) interagency agreements with the Bureau of the Census, (2) grants, cooperative agreements and contracts with national criminal justice organizations, (3) cooperative agreements with State statistical agencies and entities, and (4) cooperative agreements and contracts with educational institutions and organizations with expertise in criminal justice.

Under BJS' working agreements with the Bureau of the Census, BJS officials specify the statistical activities to be accomplished, review and approve sampling and survey plans, provide guidance on quality control efforts associated with data collection, and review and revise all reports prepared by the Bureau of the Census. Analysis of data is accomplished by both BJS staff and by an analysis unit of the Census Bureau which has been funded under an interagency agreement for eight years.

In connection with contracts, grants and cooperative agreements with national statistical organizations, Bureau staff develop requirements, specifications and standards, while maintaining careful oversight of the organizations' activities in support of BJS program objectives. Under the Bureau's cooperative agreements with State and local governments, Bureau staff have a similar substantial involvement in specifying the scope of the work and the definitions, standards and formats to be used in the development and publication of final statistical reports. With reference to information systems in support of statistical submissions, system documentation packages are developed to assure that data conforms to the requirements of national data series.

Administrative Services, QJA. The Assistant Attorney General and his immediate staff are part of this decision unit. The Public Safety Officers' Benefits Program, the multi-state regional intelligence program and several national scope programs such as the crime prevention coalition, the prison industry enhancement and the police accreditation programs are also administered by this unit.

In addition to the programmatic functions just elaborated, the Office of the Assistant Attorney General is responsible for providing support services to the four program offices, OJDPP, NJJ, BJS, and QJA. Such services include grant administration, contracting, accounting, budgeting, information systems support, personnel, administrative services, management and policy development and analysis, public information, congressional liaison, general counsel and civil rights compliance. These services are provided to the program offices in a centralized manner in order to standardize methods of operation, reduce duplication and maximize service at the least cost.

Executive Direction and Control, QJDP. This activity is responsible for the administration of various programs and activities required by the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974, as amended. Objectives are accomplished primarily through the award of grants, contracts and cooperative agreements to State and local units of government and private nonprofit organizations. The JJDP staff administers a formula grant program and a special emphasis program which is designed to call national attention to distinct juvenile justice issues. Some of the JJDP staff work in the National Institute of Juvenile Justice and Delinquency Prevention (NIJDP) which awards grants and contracts for a broad range of applied research. The JJDP staff also provides technical assistance and training to public and private agencies, institutions and individuals. This staff also administers the concentration of Federal effort program and provides support to the National Advisory Council. The juvenile justice staff will be reduced by 22 workyears in 1984 due to termination of funding for the program.

Accomplishments and Workload: Accomplishments of the Office of Justice Assistance are presented in the following table:

Item	1981	1982	1983	Estimated 1984
Juvenile justice formula grants awarded.....	50	52	51	...
Juvenile justice special emphasis grants awarded.....	60	64	60	...
National Institute of juvenile justice grants awarded.....	49	35	35	...
Juvenile justice technical assistance delivered (instances).....	500	752	750	...
Active special emphasis grants monitored.....	111	108	100	...
Research and evaluation solicitations prepared by NIJ.....	20	20	25	...
Concept papers and proposals reviewed by NIJ.....	550	600	650	650
Grants and contracts awarded by NIJ.....	102	90	95	95
Research and evaluation projects monitored by NIJ.....	228	220	215	215
Statistical bulletins and national advisories prepared by BJS.....	7	15	26	26
Responses to requests for statistical information.....	1,700	2,510	2,980	2,980
Major statistical programs managed.....	16	16	18	18
On-site monitoring of grants by BJS.....	21	16	15	15
BJS08 claims closed.....	325	334	332	333
Grants, contracts and inter-agency agreements closed out.....	1,095	978	1,000	700
Civil rights complaints closed.....	165	60	25	20
Civil rights pre-award compliance reviews.....	75	20	15	30
Program briefs and technical manuals developed for state and local assistance program.....	...	...	...	24

The workload of the National Institute of Justice has remained relatively stable during the past few years and is expected to remain so. In the order to fulfill its mandate responsibly, the NIJ must undertake research, development, testing, evaluation, and dissemination activities in the wide variety of areas which comprise criminology and the criminal justice system. When faced with diminished resources (from \$25 million and 73 positions in FY 1980 to \$17.6 million and 52 positions in FY 1983), no single area was abdicated. Rather, strategies of phased funding and a greater number of smaller awards were pursued, resulting in some postponement in the payoff from research investment. Also, the targeting of products toward more narrow audiences and the imposition of fees for selected services have helped maintain the integrity of NIJ programs.

During FY 1981 BJS established an in-house analytic capability to comply with the legislative mandate to "provide information to the President, the Congress, the Judiciary, State and local governments, and the general public on justice statistics." The BJS bulletin series was continued in order to provide for the release of statistical information in a timely and understandable manner. Additionally, the Bureau initiated a major effort for the accomplishment of legislative requirements in the area of Federal statistics.

Closure of categorical and formula grants continues to be a major activity in OJA. Approximately 1,000 grants were closed out in 1981 and 1982 and it is expected this number will be closed out in 1983.

Program Changes: The last year of funding for the Juvenile Justice program is expected to be 1983. There are 62 employees currently administering that program. Since there will be no new money to award in 1984 that staff will be cut by 22 positions. Juvenile justice formula grants have a three year life (year of appropriation plus two), therefore grants awarded in 1983 will still be active in 1984 and will require monitoring. We estimate that the staff can be reduced by about one third in each of the three years needed to phase out the program.

Increases of 65 positions and \$2,200,000 are requested to develop, administer, and provide support services for the new program of state and local assistance. Forty-five of these personnel will provide executive direction and control for a formula-based, financial assistance program for State and local units of government; a national categorical grant program to provide training and technical assistance for State and local government agencies; a national scope initiatives program; and selected demonstration programs as well as a program designed to respond to emergency needs. The small staff provided by this activity would be highly specialized with general management and substantive criminal justice experience. The staff would plan, implement and direct these programs and would be responsible for developing program briefs and technical manuals. In addition, with limited contractor assistance, comprehensive training and technical assistance packages would be developed and made available to any unit of government which wanted to implement a program. Specific activities in which these staff members would be engaged are as follows:

1. Develop guidelines, application forms, review procedures and award criteria.
2. Establish effective grant and subgrant monitoring procedures.
3. Develop, print and disseminate program briefs and technical manuals.
4. Develop and establish training programs to support implementation of target priority programs.
5. Establish technical assistance capabilities to support implementation of target priority programs.
6. Develop priorities and implement selected national scope criminal justice initiatives.
7. Develop mechanisms for identification of demonstration program candidates.
8. Review grant applications and prepare grant award packages.
9. Monitor program performance to insure compliance with the legislation.
10. Establish criteria and mechanisms to make training and technical assistance available to grantees and subgrantees.
11. Provide technical assistance to grantees.
12. Establish internal procedures for responding to emergency situations.

The remaining 20 positions will be required to provide support services for the State and local assistance program. In 1980, the agency was authorized 571 positions. The authorization for 1983, including Juvenile Justice, is 257 positions or a reduction of 55% in two years. This

reduction has left serious skill gaps which must be closed in order to provide the support services necessary to ensure responsible stewardship of Federal grant and contract funds. The specific types of activities these additional support personnel will be engaged in are as follows:

1. Revise and update financial procedure manuals. The current manual was revised in 1980 and needs updating and streamlining to reflect new OH3 and Treasury circulars, the new legislation, and general over-all improvements of earlier procedures.
2. A reporting system must be developed which is simple, fast, and uses turn around documents so that the administrative burden on the states and local units is minimal. However, the reporting documents must provide sufficient timely data to enable the Administration and Congress to determine if the program is achieving its goals.
3. Contracts for training and technical assistance must be advertised, awarded and monitored.
4. The current accounting system must be replaced by a modern simplified system. The present system is 10 years old and is excessively complicated and out of date because it was designed for a much larger and more complex program.
5. Personnel services to recruit, staff and classify employees for the new program are required.
6. Management procedures to increase productivity need to be developed and implemented.
7. The new legislation has very strong civil rights requirements. We must restore this staff to comply with the law.
8. The Office of the Comptroller will need additional employees to review and process applications and grants, account for funds, and provide technical assistance to grantees on financial aspects of the program, and establish, monitor and reconcile annually letters of credit for all grantees.

Office of Justice Assistance

Status of Congressionally Requested Studies, Reports, and Evaluations

1. Section 816 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (Crime Control Act) requires each bureau to submit to the President and the Congress by April of each year, an annual report on its activities. Since no funds were provided for these sections of the Act in 1981, 1982, or 1983, no reports will be submitted for those years.
2. Section 816(b) of the Crime Control Act required the Office of Justice Assistance, Research, and Statistics (OJARS) to submit to the Congress a comprehensive report on the agencies' programs not later than three years after the date of enactment of the Justice System Improvement Act of 1979 (JSIA). This report cannot now be made since funding was not provided for the programs.
3. Section 816(c) of the Crime Control Act required that OJARS submit to the Congress a plan for the collection, evaluation and analysis of data to be supplied in the report required by section 816(b). This plan was submitted to the Congress but due to the lack of program funds, the plan will not be implemented.
4. Section 815(c)(2)(B) of the Crime Control Act required chief executives of jurisdictions reaching civil rights compliance agreements with OJARS to file semiannual reports with OJARS detailing the steps taken to comply with the agreement. Due dates for receipt of these reports depends upon the terms of the individual resolution agreement. Reports are received at various times according to the compliance agreement. They are monitored by the Office of Civil Rights Compliance on a continuing basis.
5. Section 204(b)(5) and (d)(1), (d)(2), and (e) of the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974 as amended requires that the Administrator of JJDP shall develop annually with the assistance of the Advisory Committee and Coordinating Council, and submit to the President and Congress prior to December 31, an analysis and evaluation of Federal juvenile delinquency programs. The report has been prepared in draft form. The draft was reviewed and commented on by the National Advisory Committee at their January 17, 1983 meeting. It is expected that the report will be finalized shortly.
6. Section 204(c) of the JJDP Act requires that the President shall, no later than 90 days after receiving the Section 204(b)(5) report, submit a report to Congress and the Coordinating Council containing a detailed statement of any action taken or anticipated with respect to recommendations in the report. This report will be prepared and submitted within 90 days after the report required by section 204(b)(5) is completed.
7. Section 207(e) of the JJDP Act required that: "Beginning in 1981, the Advisory Committee shall submit such interim reports as it considers advisable to the President and to the Congress, and shall submit an annual report not later than March 31 of each year. Each such report shall describe the activities of the Advisory Committee and shall contain such findings and recommendations as the Advisory Committee considers necessary and appropriate." The report for FY 1982 is being prepared and will be available by March 31, 1983. It will reflect the activities of the committee since it was rechartered and appointments of members were made in June of 1982.

Office of Justice Assistance

Justice Assistance

Priority Rankings

<u>Base Program</u>		<u>Program Increases</u>	
<u>Program</u>	<u>Ranking</u>	<u>Program</u>	<u>Ranking</u>
Management and Administration	1	State and Local Assistance	1
Justice Statistical Programs	2	Justice Statistical Programs	2
Research, Evaluation & Demonstration	3	PSOB	3
Programs	4		
PSOB			

Office of Justice Assistance

Justice Assistance

Detail of Permanent Positions by Category

Fiscal Years 1982 - 1984

Category	1982 Authorized	1983 Authorized	1984		Total
			Adjustment to Base Decreases	Program Increases	
Attorneys (905).....	6	4	...	...	4
Paralegal Specialists (950).....	1	...	...	...	...
Other Legal and Kindred (900-998).....	1	1	...	...	1
Social Sciences, Economic and Kindred (100-199).....	44	44	-14	...	30
Personnel Management (200-299).....	7	6	...	...	6
General Admin., Clerical and Other Services (300-399).....	147	133	-34	40	139
Accounting and Budget (500-599).....	22	20	...	...	20
Engineering and Architecture Group (600-899).....	1	1	...	...	1
Information and Arts Group (1000-1099).....	9	8	...	...	8
Business and Industry Group (1100-1199).....	20	18	-3	3	18
Library and Archives Group (1400-1499).....	4	4	...	...	4
Mathematics and Statistics Group (1500-1599).....	14	14	...	...	14
Equipment, Facilities and Service Group (1600-1699).....	1	1	...	...	1
Education Group (1700-1799).....	1	...	...	...	...
Supply Group (2000-2099).....	3	3	...	...	3
Total.....	281	257	-51	43	249
Washington.....	281	257	-51	43	249
Total.....	281	257	-51	43	249

Office of Justice Assistance

Justice Assistance

Summary of Adjustments to Base
(Dollars in thousands)

	Perm Pos.	Work- Years	Amount
1983 as enacted.....	257	267	\$125,523
Adjustments to base:			
Uncontrollable increases:			
Annualization of 1982 pay increases.....	...	...	1,021
Annualization of medicare costs.....	...	...	32
Within-grade increases.....	...	...	69
Health benefits costs.....	...	...	18
Federal Employees' Compensation Act (FECA) - workers' compensation.....	...	...	6
Standard level user charges.....	...	...	10
Telephone system line charges.....	...	...	31
GPO printing costs.....	...	...	14
General pricing level adjustment.....	...	...	1,597
Total, uncontrollable increases.....	...	...	2,798
Decreases:			
One less compensable day.....	...	...	-34
Non-recurring cost for change in hourly rate.....	...	...	-32
Reduction-in-force.....	-51	-54	-2,174
GSA recurring reimbursable services.....	...	...	-7
Federal Telecommunications System (FTS) redistribution.....	...	...	-339
Total, decreases.....	-51	-54	-2,586
1984 Base.....	206	213	125,735

Office of Justice Assistance

Justice Assistance

Justification of Adjustments to Base
(Dollars in thousands)

	Perm Pos.	Work- Years	Amount
<u>Uncontrollable Increases:</u>			
1. Annualization of October 1982 pay increases..... This provides for the annualization of the October 3, 1982 pay increase contained in Executive Order 12387. Of the pay raise requirement of \$1,021,000, \$978,000 was absorbed in 1983.	\$1,021
2. Annualization of medicare costs..... This provides for full funding for the 1.3 percent Federal share of the Medicare Hospital Insurance tax to Federal employees as required by P.L. 97-248, the Tax Equity and Fiscal Responsibility Act of 1982. The request of \$32,000 covers the period from October 1 to December 11 which was not funded in 1983.	32
3. Within-grade increases..... This request provides for an expected increase in the cost of within-grade salary increases. This increase is generally consistent with increases experienced within recent years and is approximately one percent above the base for compensation and related benefits for permanent employment. (Personnel compensation \$63,000 and benefits \$6,000 = \$69,000).	69
4. Health benefits costs..... The Federal Employees Health Benefits Act (P.L. 93-246) provides that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. Effective January 1, 1982, the health insurance carriers raised their rates approximately 13 percent. The requested increase of \$18,000 provides for payment of the average rate percent over the \$125,000 now available.	18
5. Federal Employees Compensation Act (FECA) - workers' compensation..... The increase reflects the billing provided by the Department of Labor for the actual costs in 1982 of employees' accident compensation. The 1984 amount will be \$77,000 or, \$6,000 over the 1983 estimate of \$71,000.	6

768

Perm Pos.	Work- years	Amount
...	...	\$10
6. Standard level user charges.....		
P.L. 92-313, Public Building Amendments Act of 1972, authorizes and directs the Administrator of the General Services Administration to charge for the use of space furnished. An increase of \$10,000 is required in 1984 to pay for space occupied at the end of FY 1983. The amount budgeted for SUC in 1983 is \$831,000.		
7. Telephone system line charges.....	31	
The cost of providing OMNIBUS telephone switchboard service to Department users will increase from \$20.10 to \$27.66 per telephone line. A 19.6 percent increase was granted to GSP in 1982, additionally a 30 percent increase is proposed for 1983. An uncontrollable increase of \$31,000 over the 1983 base of \$104,000 is required to cover the higher rates in 1984.		
8. GPO printing costs.....	14	
The Government Printing Office (GPO) is currently projecting a five percent increase over the FY 1983 printing cost of \$280,000. An additional \$14,000 will be required in FY 1984.		
9. General Pricing Level Adjustment.....	1,597	
This request applies to OMB pricing guidance as of December 1982 to selected expense categories. The increased costs identified result from applying a factor of 6.4 percent against those sub-object classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, transportation costs and utilities. Excluded from the computation are categories of expense where inflation has already been built into the 1984 estimates.		
Total, uncontrollable increases.....	...	2,798
Decreases (Automatic non-policy):		
1. One less compensable day.....	...	-34
2. Non-recurring cost for change in hourly rate.....	...	-32
This provides for an overall pay adjustment that results from a change in the basis for computing pay for General Schedule employees. Currently, General Schedule pay is computed on the basis of 260 workdays or 2,080 hours, although 261 or 262 workdays may occur in a calendar year. For 1984 and 1985, section 310(b)(1) of the Omnibus Reconciliation Act of 1982 requires that pay be computed on the basis of 2,087 work-hours. Budget estimates for 1984 reflect this new basis and were calculated as follows: \$9,629,000 x 2080 hours = \$9,597,000 2087 hours \$9,597,000 - \$9,629,000 = -\$32,000		

	Perm Pos.	Work- years	Amount
3. Reduction-in-force.....	-51	-54	-\$2,174
4. GSA recurring reimbursable services..... Payments for heating, ventilation and air conditioning, and guard service over normal requirements are made to GSA on a reimbursable basis. A reduction in use of services is responsible for the decrease of \$7,000 below the 1983 base of \$17,000.	...	...	-7
5. Federal Telecommunications System (FTS) redistribution..... Beginning with 1982 the General Services Administration changed its billing procedure from number of calls to duration of calls. This new billing procedure along with a reduction in use of the FTS system is responsible for the decrease of \$339,000 below the 1983 base of \$434,000.	...	...	-339
Total, decreases.....	-51	-54	-2,586
Total, adjustments to base.....	-51	-54	212

Office of Justice Assistance

Justice Assistance

Financial Analysis - Program Changes
(Dollars in thousands)

Item	Juv. Justice		Spec. Engh.		Juv. Justice Programs		CPE		PSJB	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
<u>Grants</u>										
ES-4.....
GS/GH-15.....
GS/GH-14.....
GS/GH-13.....
GS-12.....
GS-11.....
GS-9.....
GS-8.....
GS-7.....
GS-6.....
GS-5.....
GS-4.....
GS-3.....
Total positions and annual rate.....
Lapse (-).....
Total workyears and personnel compensation.....
Personnel benefits.....
Travel and transportation of persons..
Communications, utilities, and other rent.....
Printing.....
Other services.....
Supplies and materials.....
Grants, subgrants and contributions...
Insurance claims and indemnities.....
Total workyears and obligations, 1984.....	...	-43,095	...	-14,365	...	-7,436	...	-1,804	...	-900
									...	1,700

Office of Justice Assistance

Justice Assistance

Financial Analysis - Program Changes (cont.)
(Dollars in thousands)

Item	Justice Statistical Programs		State and Local Assistance				Management and Administration				Total	
	Pos.	Amount	Pos.	Amount	Discretionary	Exec. OJDP	Pos.	Amount	State & Local	Pos.	Amount	
Grades												
ES-4.....	1	\$64	1	\$64
GS/GM-15.....	4	224	4	224
GS/GM-14.....	-2	...	...	7	322	5	229
GS/GM-13.....	-6	...	...	10	420	4	166
GS-12.....	-3	...	...	9	297	6	197
GS-11.....	-1	...	...	8	216	7	189
GS-9.....	-4	...	...	6	138	2	45
GS-8.....	1	19	1	19
GS-7.....	-1	...	...	6	108	5	88
GS-6.....	-2	...	...	2	34	...	-1
GS-5.....	-3	...	...	5	75	2	17
GS-4.....	4	48	4	48
GS-3.....	2	22	2	22
Total positions and annual rate.....	-22	...	...	65	1,987	43	1,307
Lapse (-).....	-10	-270	-10	-270
Total workyears and personnel compensation.....												
Personnel benefits.....	-22	...	...	55	1,717	33	1,037
Travel and transportation of persons.....	173	104	...
Communications, utilities, and other rent.....	40	...	-39
Printing.....	110	82	...
Other services.....	25	-136	...
Supplies and materials.....	125	280	...
Grants, subsidies and contributions.....	10	7	...
Insurance claims and indemnities.....	24,089	...
Total workyears and obligations, 1984.....	...	1,700	...	72,000	...	18,000	-22	-876	55	2,200	33	27,124

Office of Justice Assistance
Justice Assistance
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and salary ranges	1983 Estimate		1984 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
Executive Level III, \$68,400.....	1		1		...	
Executive Level IV, \$67,200.....	2		2		...	
ES-4, \$61,800.....	6		7		1	
ES-2, \$59,230.....	1		1		...	
GS/GM-15, \$48,553-63,115.....	22		19		-3	
GS/GM-14, \$41,277-53,661.....	47		42		-5	
GS/GM-13, \$34,930-45,406.....	77		65		-12	
GS-12, \$29,374-38,185.....	28		30		2	
GS-11, \$24,508-31,861.....	17		17		...	
GS-10, \$22,307-29,003.....	1		1		...	
GS-9, \$20,256-26,331.....	14		18		4	
GS-8, \$18,339-23,838.....	2		3		1	
GS-7, \$16,559-21,527.....	10		14		4	
GS-6, \$14,901-19,374.....	10		6		-4	
GS-5, \$13,369-17,383.....	14		15		1	
GS-4, \$11,949-15,531.....	5		6		1	
GS-3, \$10,645-13,840.....	...		2		2	
Total, appropriated positions.....	257	\$10,193	249	\$9,838	-8	-\$355
Pay above stated annual rates.....	...	39	...	...	...	-39
Lapses.....	...	...	-10	-241	-10	-241
Net savings due to lower pay scales for part of year.....	...	...	...	...	...	...
Net permanent.....	257	10,232	239	9,597	-18	-635

Justice Assistance
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1983 Estimate Workyears	1983 Estimate Amount	1984 Estimate Workyears	1984 Estimate Amount	Increase/Decrease Workyears	Increase/Decrease Amount
11.1 Full-time permanent.....	257	\$10,232	239	\$9,597	-18	-\$635
11.3 Other than full-time permanent:						
11.3 Part-time permanent.....	10	259	7	141	-3	-118
11.5 Other personnel compensation:						
11.5 Overtime.....	...	30	...	30	...	...
11.5 Other compensation.....	...	17	...	17	...	...
Total, workyears and personnel compensation.....	267	10,538	246	9,785	-21	-753
12 Personnel benefits.....		1,225		1,206		-19
13 Benefits for former personnel.....		600		485		-115
21 Travel and transportation of persons.....		440		200		-240
22 Transportation of things.....		3		3		...
23.1 Standard level user charges.....		831		841		10
23.2 Communications, utilities, and other rent.....		1,572		719		-853
24 Printing and reproduction.....		845		530		-315
25 Other services.....		22,495		20,495		-2,000
26 Supplies and materials.....		85		79		-6
41 Grants, subsidies, and contributions.....		94,933		106,016		11,083
42 Insurance claims and indemnities.....		12,500		12,500		...
Total obligations.....		146,067		152,859		6,792
Relation of obligations to outlays:						
Obligated balance, start-of-year.....		159,120		127,041		
Obligated balance, end-of-year.....		-127,041		-106,960		
Outlays.....		178,146		172,940		

GENERAL STATEMENT

Mr. EARLY. We are happy to have with us today Mr. Robert F. Diegelman, Assistant Director of the Office of Justice Assistance, Research and Statistics. We will be glad to hear your statement.

Mr. DIEGELMAN. Thank you very much, Mr. Chairman. By way of introduction, let me point out I am officially the Assistant Director of OJARS. I make that distinction because very recently the Attorney General named Mrs. Lois Haight Herrington as the Acting Director of OJARS. I am appearing here today in her behalf due to the recency of her appointment.

The figures that you have just ticked off basically summarize, I think, our request. I will not go through a formal presentation of every line in my written statement. I would like to point out to you some of the major items included in the request comparing against our 1984 base, and also our last year's appropriation.

Just by way of clarification, this request for fiscal year 1984 represents a 20 percent increase over our fiscal year 1983 appropriation level. It is part of the total Department of Justice \$3.4 billion request representing what the Department considers to be a major crackdown on crime throughout the country, and in an orchestrated, balanced way that considers all aspects of the criminal justice system as well as the needs of the state and local governments.

In our immediate request we have some significant new items and some changes that I would like to point out to you in terms of the major changes. There is, first of all, a \$1.7 million increase in the Public Safety Officers' Benefits Program. There is a slight decrease in our management and administration account, a decrease of \$427,000 and eight positions. There is a complete zeroing out of the juvenile justice assistance account, once again proposed by the Administration as we did last year, so there is a decrease of \$67.6 million.

There is a \$1.7 million increase in the Bureau of Justice Statistics area, and there is also a brand new item that I would like to discuss a little bit at length with you, a \$90 million State and local assistance package.

INCREASE FOR BUREAU OF JUSTICE STATISTICS

Taking them in the order of importance, and basically to lay out what is requested in each area, the increase of \$1.7 million for the Bureau of Justice Statistics is requested so that the BJS can develop a Federal transactions statistics data base of Federal offenders, prepare and disseminate a statistical report on the Federal Justice System, and conduct a quinquennial census of correctional facilities and a survey of prison inmates. That is a major item in the Bureau of Justice Statistics.

INCREASE FOR PUBLIC SAFETY OFFICER'S BENEFITS PROGRAM

In the other areas, for example, in the Public Safety Officers' Benefits Program, as you are aware from prior hearings, we average about 250 claims a year, making payments of \$50,000 a claim. That averages out to a level of \$12.5 million each year. For the last two years, due to the availability of reverted LEAA dollars, we

have requested only \$10.1 million and \$10.8 million and have made up the difference out of these dollars.

With the gradual disappearance of these funds, we are requesting the full funds necessary to meet the 250 claims in fiscal year 1984.

ELIMINATION OF JUVENILE JUSTICE FUNDING

In the area of juvenile justice, once again, we are proposing a zeroing out of this program. We basically feel, as we have felt for the last two years, that the program authorized in 1974 by the Juvenile Justice and Delinquency Prevention Act has achieved the statutory goals of the deinstitutionalization of status offenders. Thirty-four States participating in the program have already achieved full compliance and 8 States achieved a substantial compliance which is a 75 percent compliance rate, and out of an estimated 235,000 juveniles who have been institutionalized in inappropriate settings, some 200,000 have already been deinstitutionalized.

All of the participating States have already either passed legislation or adopted policies that achieve the same statutory goals.

NEW STATE AND LOCAL ASSISTANCE PROGRAM

The major new initiative, as indicated, is the \$90 million initiative which is a real increase to initiate a program of State and local assistance. This program reflects, we feel, the lessons that have been learned from the LEAA experience, both its positive lessons and its negative lessons.

It focuses on a Federal leadership role in training, in technical assistance as well as limited financial assistance to implement targeted programs of proven effectiveness. It is only a modest investment of Federal funds. These funds would be used in effective ways as startup costs for innovative successful efforts that jurisdictions could not otherwise undertake. It would install new concepts and approaches that have impact on violent crime and it focuses assistance on both juvenile and adult violent crime and violent offenders. It concerns the victims of crime in this country.

Eighty percent of that request of \$72 million would be distributed basically through a streamlined State formula grant program to support the replication by State and local governments of violent criminal justice programs, of criminal justice programs that are targeted at the violent offender.

The formula grant program would target scarce Federal dollars on high priority programs of proven effectiveness. Improvements in programs that could be implemented would include such program models as Career Criminal, STING, TASC, Victim and Witness Assistance, PROMIS, ICAP, Arson and other program areas.

Recipients would be required to provide up to a 50 percent dollar for dollar match, which would raise the available funds under this program area to \$144 million.

Of the total \$90 million request, \$18 million would fund a new national discretionary program. Under the Discretionary Grant Program, financial assistance would be provided to States, local governments, combinations of such units, and private nonprofit organizations for the purpose of taking educational and training pro-

grams for criminal justice personnel, providing technical assistance, undertaking projects which are national or multistate in scope, and conducting demonstration programs which in view of previous research or experience are likely to be a success in more than one jurisdiction.

INTRODUCTION OF NEW BUREAU HEADS

That concludes my formal remarks. I would, however, like to introduce some of the supporting witnesses who accompany me here today, because for the first time under the Justice System Improvement Act we do have Presidential appointees heading the independent bureaus.

I am accompanied here today by supporting witnesses, first of all, Mr. James K. Stewart, who is the Director of the National Institute of Justice, nominated by the President and confirmed by the Senate in December of last year.

To his left, Dr. Steven Schlesinger, presently serving as the Acting Director of the Bureau of Justice Statistics. He was nominated last month by the President for that position.

With the Chairman's permission, I would request that any questions relating to either the research or the statistical areas of the budget be directed to those gentlemen, since they are in the best position to answer both the program and policy issues there.

[The prepared statement of Robert F. Diegelman follows:]

DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE ASSISTANCE, RESEARCH, AND STATISTICS
STATEMENT OF THE ASSISTANT DIRECTOR, OJARS
ROBERT DIEGELMAN,
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON THE DEPARTMENTS OF
COMMERCE, JUSTICE, AND STATE, THE JUDICIARY AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee:

I am pleased to have the opportunity to appear before you in support of the 1984 budget request for the Office of Justice Assistance, Research, and Statistics. As you have undoubtedly heard, the Attorney General appointed Lois Haight Herrington to be the Acting Director of OJARS. Due to the recency of her appointment she has requested that I appear before this committee to support the OJARS budget request. The request is for \$152,859,000 and 249 positions which represents a net increase of \$27,336,000 above the \$125,523,000 appropriated for 1983, and a decrease of 8 positions over the 257 approved for 1983. This budget request combines two previous appropriations: "Law enforcement assistance" and "Research and statistics." Since funding for the Law Enforcement Assistance Administration program was terminated in 1980, the need for two appropriations ceased to exist.

Included in this request is an increase of \$1,700,000 for the Public Safety Officers' Benefits Program; a net increase of \$212,000 for adjustment to base items such as uncontrollable increases and decreases; an increase of \$1,700,000 for statistical programs; a reduction of \$427,000 and 8 positions for management and administration as well as an increase of \$90,000,000 to initiate a State and local assistance program. The request also provides for a reduction of \$67,600,000 to eliminate juvenile justice programs.

Great strides have been made toward accomplishing the major statutory thrust of the Juvenile Justice Act, particularly deinstitutionalization of status offenders. As a result of previous funding, monitoring capabilities and a policy framework have been created at the State level that can aid in accomplishing this goal. Almost all the states participating in the program already have passed legislation or established policies which require deinstitutionalization. Many excellent improvements have been made to the juvenile justice system as a result of Federal leadership. We now believe it is time for the Federal leadership to step aside and encourage State and local governments to fund successful programs.

The Public Safety Officers' Benefits Program pays an average of 250 claims each year. Appropriations for 1982 and 1983 were insufficient to pay this number of claims. OJARS made up the difference by using funds which had been reclaimed by closing out expired LEAA grants and contracts. Since the LEAA grants will be closed by FY 1984, no reversionary funds will be available for this purpose. The requested increase of \$1,700,000 should provide sufficient funds to pay all eligible claims in 1984.

Finally, this request includes an increase of \$90,000,000 to initiate a program of state and local assistance. This program reflects the lessons learned from the LEAA experience. It focuses on Federal leadership, training and technical assistance as well as limited financial assistance to implement targeted programs of proven effectiveness. Only a modest investment of Federal funds is required. These funds will be used in effective ways as start-up costs for innovative, successful efforts that jurisdictions could not otherwise undertake. It bridges the work of research, by helping to transfer

and install in practice new concepts and approaches that impact on violent crime. It focuses assistance on both adult and juvenile violent crime and violent offender concerns.

Eighty percent of the request or \$72,000,000 would be used to establish a streamlined State formula grant program to support the replication by State and local governments of criminal justice programs that have proven to be effective in dealing with violent crime. The formula grant program would target scarce Federal dollars on high priority programs of proven effectiveness. Improvement programs that could be implemented would include Career Criminal, Sting, TASC, Victim & Witness assistance, PROMIS, ICAP, Arson and others. Funds would be allocated among the States on the basis of population. Recipients would have to provide a 50% match which would raise the available funds to \$144,000,000. Localities would be assured of an equitable share of funds for local projects.

Of the request, \$18,000,000 would fund a discretionary grant program. Under the discretionary grant program, financial assistance would be provided to States, units of local government, combinations of such units, and private nonprofit organizations for the purpose of (1) undertaking educational and training programs for criminal justice personnel; (2) providing technical assistance; (3) undertaking projects which are national or multi-State in scope; and (4) conducting demonstration programs which, in view of previous research or experience, are likely to be a success in more than one jurisdiction.

This concludes my statement, Mr. Chairman. I shall be happy to answer any questions you or the other members of the subcommittee may have.

PROPOSED JUSTICE ASSISTANCE LEGISLATION

Mr. EARLY. I will ask you questions, and you can refer them to whoever you would like.

Mr. DIEGELMAN. Yes, sir.

Mr. EARLY. Regarding language changes, your justification indicates that the appropriation language proposed for fiscal year 1984 is premised on the enactment of a legislative proposal that incorporates all of the major provisions of the proposed Justice Assistance Act of 1982.

Mr. DIEGELMAN. Yes, sir.

Mr. EARLY. Can you outline for the Committee what is in the legislative proposal and what the status of this proposal is?

Mr. DIEGELMAN. Yes, sir. The legislative proposal was formally transmitted over the signature of the President just yesterday as part of the comprehensive crime control package which contains 16 titles. The Justice Assistance portion of it is Title VIII.

The major features of that program are primarily, as indicated, a combined block and discretionary program that would provide for \$90 million in State and local assistance, \$72 million of it distributed by formula, \$18 million of it by discretionary.

There is also contained in the package a major new emergency assistance authorization which would allow the Attorney General in the Department of Justice to provide financial assistance and/or personnel and/or equipment support on the occasion of a major criminal justice emergency at the local level, an emergency which is beyond the capability of a State or local jurisdiction to respond to out of their own available resources.

Also included in it as a major provision and highlighted in the White House fact sheet released yesterday is a significant restructuring of the present organizational and management structure in the Justice Assistance area.

As you are aware, under the Justice System Improvement Act of 1979, there was the equivalent of five independent bureaus created, each headed by a Presidential appointment. Three of the five having their own advisory boards, in each case, with the bureau director having final grant and contract authority.

This organizational and management structure was specifically geared towards a much broader and much more significant funding level.

Under the Justice System Improvement Act of 1979, the authorization levels were on the order of \$800 million for everything exclusive of juvenile justice, \$1 billion including juvenile justice. That is the organizational structure that has existed since that Act, and as you are aware, the appropriation level over the last several years, since fiscal year 1981, when the Carter administration made the recommendation to close the LEAA program, the appropriation levels in this area have only been on the order of approximately \$130 to \$150 million.

AUTHORITY TO CONTINUE OPERATING IN FISCAL YEAR 1984

Mr. EARLY. Without that legislation, there is no vehicle or no conduit for grants to the local and State governments in this budget.

Mr. DIEGELMAN. At this point, those funds could be provided under the authority of the Justice System Improvement Act, up until September 30 of this year.

That Act expires with the start of fiscal 1984. The Administration has submitted legislation for a four-year extension, with this new organizational/programmatic structure.

There are other pending bills, authorization bills on both the Senate and House sides. Chairman Hughes' bill, H.R. 1338, would accomplish the same thing, and Senator Spector's bill, S. 53, would accomplish the same thing. So there are authorization bills presently under consideration, and the Administration has submitted its own bill.

CONSOLIDATION OF SEPARATE APPROPRIATIONS

Mr. EARLY. The justification also states that as a result of the proposed legislation, the maintenance of separate appropriations for law enforcement assistance and research statistics is unnecessary. Would you be more specific as to why you think a merger of these separate appropriations is appropriate?

Mr. DIEGELMAN. We have run into considerable administrative problems in the maintenance of two separate appropriations, between research and statistics on the one hand, and law enforcement assistance on the other. It is a technical issue that revolves around mainly the allocation of indirect costs.

The Office of Justice Assistance, Research, and Statistics is billed for a full range of indirect costs, everything from rent to lighting to the normal SLUC charges, mail charges that have to be borne out of law enforcement assistance, management and administration line items rather than out of the individual appropriation for research and statistics. It has led to a major accounting and administrative problem.

Although we are recommending that they be folded into a single appropriation, the structure of the legislation, when you have had a chance to take a look at it, still maintains specified line items, authorization levels for each one of the activities. So it is not an attempt to get the Appropriation Committee to approve a ballpark figure of funds to be distributed administratively. There is still specified under the authorization section of the new legislation funding levels for each of the constituent components.

Mr. EARLY. If the legislative proposal is not approved by Congress, or if it is vetoed as it was vetoed last year, would you recommend that we enact separate appropriations for law enforcement assistance and for research and statistics?

Mr. DIEGELMAN. I think the chance of it being vetoed is very slim, unless—following the pattern of H.R. 3963—considerably more is tacked on to the State and local assistance portion than the President has requested.

Mr. EARLY. There is always that possibility.

Mr. DIEGELMAN. There is always that possibility. Yes, sir, there is.

Were it to be vetoed effective September 30 of this year, there would be no funding provided for any law enforcement assistance, research, statistics or public safety officer's benefit program. I

would strongly suggest that, at a minimum, the continuing maintenance of research, statistics and PSOB areas. And as far as I understand it, the process could be carried on through a continuing resolution which would constitute its own authorization until the issue was resolved, were there such a veto.

POSITION REDUCTION

Mr. EARLY. On reduction in force, the justification materials indicate that you propose to reduce 51 positions in order to save \$2.2 million. Are all of these positions associated with your proposal to terminate the Juvenile Justice Delinquency Program or are these positions scattered throughout?

Mr. DIEGELMAN. The 51 positions I think that you are referring to, Mr. Chairman, are the 51 positions that were abolished as a result of the termination of the LEAA program. The actual cut in total number of positions that is included in our present request is only a net reduction of eight positions, from 257 in 1983 to 249 in 1984, because of the increase of 65 positions for the new State and local assistance program and a reduction of 22 for Juvenile Justice.

Now, what we will have to wait and see is, we are proposing in our present budget documentation, that even if the Juvenile Justice Program is zeroed out in fiscal 1984, that 40 positions remain for the purpose of closing out this program.

Our experience in closing out the LEAA program is that you just simply cannot abolish all the slots in the same year in which you reduce the program funds. We are still as of this date in the process of balancing the books and closing out and reconciling the accounts under the LEAA program. Any significant cut in the positions that are requested would have to be distributed throughout the organization, which means all program areas.

[The following information was provided subsequent to the hearing:]

THIRD-YEAR PHASE-DOWN OF LEAA

In 1981 when the LEAA program was terminated, OMB and the Department required a phase-out plan for the LEAA program and support staff. The 51 reduction in the 1984 base reflects the third year of that phase-down plan.

POSSIBILITY OF RIFS

Mr. EARLY. Are you talking of any RIFs?

Mr. DIEGELMAN. At this point, it is impossible for me to say yes or no, depending on the resolution of the juvenile justice issue, and determining whether at this point there is a continuation of the attrition rate that we have experienced in the past.

One year ago, we were losing 18 to 20 people a month by voluntary attrition. Six months ago, it dropped to three people a month. This point, with the presence of a proposal for reauthorization, attrition is only on the order of one person per month.

Were the Juvenile Justice Program to be restored in fiscal year 1984, as has been the past pattern, and not be given the full complement of positions which is needed to run the program—it presently has on board 62 personnel—and if attrition rates continue at their present pattern and do not increase, we would be faced with

the situation of a significant RIF, probably at the start of fiscal 1984 or the second quarter of fiscal 1984.

FUNDING LEVEL FOR STATE AND LOCAL ASSISTANCE PROGRAM

Mr. EARLY. How did you determine the figure \$90 million for the State and local programs?

Mr. DIEGELMAN. We did that basically by, first of all, taking a look at the available models. When I say that, the areas which could be funded under the formula grant portion of the Act are basically success stories that have grown out of our research, our evaluation, our demonstration, and the LEAA program experience.

All of the models that we are proposing are programs which have been demonstrated in the past, evaluated and proven to be effective in the jurisdictions in which they were tried. Each one of those individual programs has an average cost in that jurisdiction, and we also did an analysis of the possibility of replicability of those individual program models across the country, how many other eligible jurisdictions were there around.

We assumed a dollar-for-dollar match because we are not going to repeat the LEAA experience of a very minimal hard cash match on the part of the local jurisdiction. We assumed a dollar-for-dollar match.

On that basis, looking at the fact that we were not going to provide any administrative costs under the new program at the State or local levels, we came up with a spread of \$72 million, which, if matched on a dollar-for-dollar basis, would be almost \$150 million worth of program effort for these models, which we think is reasonable.

Mr. EARLY. Do you have a breakdown for that \$72 million? How much of it would be associated with the Career Criminal Program, the Sting, the TASC, and so on?

Mr. DIEGELMAN. No, sir. What we have done, since we are maintaining State flexibility on how that money is to be spent, is to say we have these ten models. You have this money to implement these ten models. It is your choice of whether you do five Career Criminals and two ICAPs and one TASC, or whether you come up with a different mix of programming based on your own need.

It is a modified block grant program geared towards the maintenance of flexibility at the State and local levels in terms of selection of which program areas to adopt, and at the same time, a dollar-for-dollar match.

We can give average costs, if that is what you are interested in, on what a single career criminal or ICAP would cost were a jurisdiction to implement it. We don't have those figures here today, but would be glad to supply them for the record.

Mr. EARLY. We would appreciate it if you would supply that for the record.

Mr. DIEGELMAN. Yes.

[The information follows:]

AVERAGE PROJECT COST OF TARGETED FORMULA GRANT PROGRAMS

Program	Dollar range of project	Average cost of projected ¹
Career criminal.....	\$200,000-500,000	\$350,000
Arson.....	100,000-400,000	250,000
Antifencing (Sting).....	150,000-600,000	375,000
Victim/witness assistance.....	40,000-100,000	70,000
Integrated criminal apprehension program (ICAP).....	150,000-400,000	275,000
Treatment alternatives to street crime (TASC).....	100,000-200,000	150,000
Prosecutors management information system (Promis).....	40,000-300,000	175,000
Jail overcrowding.....	150,000-300,000	225,000
Comprehensive crime prevention.....	50,000-150,000	100,000
Juvenile restitution.....	150,000-450,000	300,000
Project new pride (alternative to incarceration of juveniles).....	150,000-450,000	300,000
Total.....	115,000-350,000	235,000

¹ Total project costs—includes Federal share and State/local match.

STATE AND LOCAL PROGRAM STATUTORY REQUIREMENTS

Mr. EARLY. Are there safeguards that this program will not supplant local and State government funding?

Mr. DIEGELMAN. There are. The normal non-supplantations are clearly written into the statute. As always it is extremely difficult to enforce them, but we are clearly geared towards the two major items in the provision of these funds, three major items: one, dollar-for-dollar match; two, nonsupplantation of State and local funds previously in these areas; and three, pickup of the programs within a reasonable period of time, which we interpret to be within three years.

STATE AND LOCAL DRUG GRANT PROGRAM

Mr. EARLY. Mr. Diegelman, weren't you the vehicle for the present \$9.4 million State and local grant distribution?

Mr. DIEGELMAN. Yes, sir, we are.

Mr. EARLY. I had some people in here saying we can't get any accounting for that.

Mr. DIEGELMAN. Can't get any accounting for that?

Mr. EARLY. Can't get any accounting.

Mr. DIEGELMAN. I don't know what that statement means. I know we have serious problems with the program, and have continually articulated those problems to the Congress.

Mr. EARLY. What was your assessment of the program?

Mr. DIEGELMAN. Our feeling is that we have spent almost \$35 million in this program area over the last nine years. The operational effectiveness of the programs is, to put it mildly, questionable.

Department of Justice audits of the programs and our own internal reviews by an Intelligence Systems Review Board indicate very significant problems all the way from accounting of funds under the programs, use of confidential expenditures, the acquisition of massive inventories of equipment that is not used by local police departments, the subsidization of routine intelligence and investigatory activities by the Federal Government.

To put it mildly, all of us feel that the idea of interstate exchange of criminal intelligence for the purpose of enhancing law enforcement is in concept a significant and important idea for State and locals. However, the continued provision of Federal funding in this area, on the basis of operational effectiveness, which no one at this point can seem to document for us, does not justify the amount of funding that we have put in the area in the past.

We have had very significant problems.

ASSESSMENT OF STATE AND LOCAL DRUG GRANT PROGRAM'S EFFECTIVENESS

Mr. EARLY. As far as those auditing problems, it really doesn't let you have any assessment of the program, does it? If you don't know what they are doing with it on the local level, and you can't audit and you don't know where it went, you can't tell me if it was good or bad.

Mr. DIEGELMAN. I am making a big distinction. We do know where it went. We do know what it has been spent for.

In some cases, it has been spent in violation of federal guidelines. In those cases, we have resolved those audit issues. The issue is not one of financial accountability at this point. The issue is one of programmatic effectiveness.

Mr. EARLY. If you can identify it has been spent in violation of the Federal program, then you are accounting for it.

Mr. DIEGELMAN. We are accounting for the funds. We can account for the funds. We can tell you what has been bought for what and for how much money.

The question is whether it is a reasonable expenditure, in order to accomplish the program goals that have been laid out. All of the projects would like to bill themselves as sophisticated information networks geared towards the extensive prosecution of traveling criminals in the narcotics area. The truth of the matter is, it matches none of those programmatic goals.

Most of them are manual information systems, heavily reliant upon the Federal Telecommunications System, with inventories of equipment that include such mundane items as 35-millimeter Nikon cameras, which have been purchased by the Federal Government, which are rarely used by the local law enforcement agencies, and which are all legal expenditures of Federal funds.

But in terms of in any way enhancing state and local investigative and prosecutorial capability, there is no one around from my perspective, and from our perspective, having administered this program for 9 years, that can say that that expenditure of \$35 million has had an operational impact.

Mr. EARLY. That is very arbitrary as far as several of the people who have advocated the program, who suggest that the States that they are advocating for have tremendous profit with the program.

They suggest it is the only Federal moneys they have gotten in many, many years.

Mr. DIEGELMAN. The real question, Congressman, is whether the Federal Government should be in the position of providing buy and flash money to State and local intelligence operations for the enforcement of statutes which very frequently are their own, that

range all the way from cattle rustling to auto theft, and at the same time for the purchase of routine equipment, law enforcement equipment for local police departments.

If you ask the question, are they popular with state or local—

EQUIPMENT PURCHASES WITH STATE AND LOCAL DRUG PROGRAM FUNDS

Mr. EARLY. You are talking about that being such a big abuse with the LEAA when we go back to that equipment that they were buying, et cetera.

I haven't heard the criticism you have given of equipment associated with that program. That is the first revelation I have heard of that.

Mr. DIEGELMAN. It is the result of after three or four years of the Department refusing to continue appropriations in this area, the Congress restoring moneys each year, of us creating an Intelligence Systems Review Board which has representation from the Criminal Division, DEA, our own lawyers, attorneys and our financial folks to go out and make an on-site visit to these programs.

In picking up on the note that you made, quite frankly, I think the \$9-10 million which is being spent each year in this area is nothing more than LEAA revisited.

Mr. EARLY. I haven't seen any studies.

Have any of those regions conducted studies, studies on equipment? As I say, your comment that they bought equipment with it was the first observation I have heard that there was equipment bought with those moneys. I haven't seen any of the moneys that were used for studies, the LEAA studies, on why prisoners want to get out of prison.

BREAKDOWN OF MULTI-STATE REGIONAL INTELLIGENCE NETWORK COSTS

Mr. DIEGELMAN. These are not research grants. These are operational intelligence systems grants, and by our own accounting of the \$35 million which has been provided in this area, in general about 52 percent of the funds are provided for the maintenance of the personnel in the area, about 28 percent goes for investigative resources, which is a broad term that implies everything from confidential expenditures, flash money, and buy money, 10 percent goes for equipment, 8 percent for travel, and 2 percent for supplies.

Mr. EARLY. The 52 percent for personnel, do you think that is an abuse?

Mr. DIEGELMAN. No, I do not think it is an abuse.

Mr. EARLY. What percent did you say for flash money?

Mr. DIEGELMAN. Our flash money, 28 percent.

Mr. EARLY. That is 80 percent of the money?

Mr. DIEGELMAN. That is 80 percent of the money, but 10 percent of \$35 million or about \$3.5 million being spent for inventories of basic equipment which any police department should have at its disposal and is being bought at the Federal Government's expense, and to our knowledge, from our own monitoring, it is not being really utilized by local law enforcement.

That is only one angle of our concerns with it, Mr. Chairman.

HISTORY OF FEDERAL FINDING OF STATE/LOCAL DRUG GRANT PROGRAM

Mr. EARLY. Do you have any concern that it was put in by the Congress?

Mr. DIEGELMAN. Pardon?

Mr. EARLY. Do you have any concerns that it wasn't initiated by the Administration, and it was inserted by the Congress?

Mr. DIEGELMAN. No, sir, because we have a track record. When I say "we", the predecessor organization, LEAA, initially got involved in this area in 1975. From 1975 to 1980 the Executive Branch proposed funding in this area under the discretionary program of LEAA.

At the end of the discretionary or demonstration period, it was our recommendation, under two Administrations, three different Attorneys General, that funding be halted in this area.

TERMINATION OF LEAA FUNDING

Mr. EARLY. But I recall the House Floor—this Committee had a lot to do with stopping the LEAA funding because it thought there were a lot of abuses, but I remember the advocacy of Chairman Rodino and others, suggesting that it was the only Federal program that gave local and State administrations any crime fighting monies.

I thought that was a pretty valid comment. It was acknowledged by everyone. It was the only game in town for the States and locals that have access to some Federal moneys.

Mr. DIEGELMAN. You are talking about LEAA or are you talking about the regional intelligence grants now?

Mr. EARLY. I am talking about LEAA, as far as when they were advocating for LEAA, which then, because of our cutbacks, I think went over to the other funding that we are talking about.

I think that is a valid point. I think the Federal Government has to participate with the local and State governments in a lot of areas, and I don't think all the local and State law enforcement people are not competent. I think they are very, very competent.

I am going to yield to Mr. Miller for any questions at this time.

GLYNCO FEDERAL LAW ENFORCEMENT TRAINING CENTER

Mr. MILLER. Thank you, Mr. Chairman.

I have a question, Mr. Diegelman. Just this morning we had before our Subcommittee on Treasury and Post Office the Glynco, Georgia, Federal Reserve Training Center Director and his people, and we were discussing at that time with Mr. Renkovich about grants. In his statement, and Treasury's statement, because they had representatives there also, they told of grants—as a matter of fact, I think I can probably give it to you very well by reading one part of the remarks they made.

During fiscal year 1982, a memorandum of agreement between the Departments of Treasury and Justice was signed to implement recommendations of the Attorney General's task force on violent crime regarding an expansion of training opportunities for State and local law enforcement personnel. Funds for the development of these programs came from Law Enforcement Assistance Administration funds.

Now, we know that LEAA is phased out. You have stated that by the end of fiscal year 1983 it will be phased out, but there are other programs.

As a matter of fact, let me go on just a little further.

The Center also signed an agreement with the Office of Juvenile Justice and Delinquency Prevention during fiscal year 1982 for the purpose of preparing and delivering juvenile justice related training seminars to state and local persons.

What I am really getting at is, here are funds that are appropriated by this Subcommittee. Another group of people come before another Subcommittee that I am on, and they tell us that they received a grant from you people in order to operate. But they also have a budget in that second Subcommittee, and to try to tie the whole thing together, to know what road we are going down, that is the purpose of the question now. Should we have the grants and why would we have the grants going in that direction from this Subcommittee to Justice, from Justice over to the training center?

Mr. DIEGELMAN. I think that is a very valid question. I think my immediate response is that in the waning days of LEAA, it became very obvious to us that there was a full range of training activities that could be conducted to respond to the needs of State and local governments that were clearly within our mandate and our authorization, and as reverted funds became available, and very minimal reverted funds—if I am correct, we are talking on the order of about \$700- or \$800,000 that were provided out of LEAA reverted funds to Glynco for the expansion of the State and local training.

It is within our area of authorization and allowed use for the funds, and it also was from our perspective the cheapest way to do it. Glynco has an extraordinarily low overhead rate. It was being underutilized as a federal facility, and with the Departmental and Presidential push for crackdown on organized crime and drugs, the provision of centralized top quality training at a reduced cost to state and local law enforcement looked like a very good investment to us.

We have frequently as a Federal agency—I won't say frequently now, but in the past signed other interagency agreements with other Federal agencies because they were better equipped to conduct the particular effort that we were engaging in through their own organization. There have been major interagency agreements in the past with organizations like the Department of Labor and other Federal agencies.

Very frequently they have both the skilled personnel and the facilities to do it at a much lower rate than we do. That is the only reason why we ever enter into an interagency agreement.

STATE AND LOCAL TRAINING AT GLYNCO

Mr. MILLER. I understand that, and many of the other agencies, they will reimburse for the expense that the Federal center would go to?

Mr. DIEGELMAN. Yes, sir.

Mr. MILLER. In order to train their people. But here is an outright grant, a grant from Justice over to the training center.

As a matter of fact, two of them, and that was my question, why there would be the funds turned over, because they would be used to train State and local people?

Mr. DIEGELMAN. Right.

Mr. MILLER. And it appears yet that we should have the Georgia Training Center come to the Treasury, Postal and General Government Subcommittee of Appropriations to request these funds. And when you people come in to request funds, then it would be that much less, and we would have a better idea where the funds are going.

I do not recall at any time when funds were requested for the programs that we are talking about here, that another agency would have a request in, and receive a grant where they would go out to local, I understand that, and they would go out to State, in some cases. I do not necessarily agree with that either.

But I guess I am trying to mention at least we should be able to keep our thumb on what is going on, and if we serve, in the case this particular person serves on both Subcommittees, and I am questioning why would you allow it there when we should be having that request before this Subcommittee, because it is for a specific thing, but you allocate funds in the other Subcommittee, and then people there will allow a grant to someone that we should be controlling their funds.

Mr. DIEGELMAN. I can see the point you are making. I think if you will look at the history of the development of Glynco and what we ask them to get into, you would understand that Glynco is a federal law enforcement training center that basically up to this point has been engaged in basic and in-service training for federal law enforcement personnel.

With the disappearance of LEAA, and the extensive training funds that were available through LEAA to either State or local governments or national nonprofit organizations to conduct training for state and local law enforcement personnel, the proposal was advanced as part of the crackdown of the organized crime and drug enforcement effort to the White House that we begin to expand the ability of Glynco to train also at the state and local levels.

Glynco did not have the money to do that. Treasury did not have the money to do that. LEAA, which had been in the business of providing that type of funding in the past, did have at least some limited funds available for it.

The easiest way to initiate the expansion was through the provision of Justice funds to FLETC to provide that level of training with a clear realization that if the State and local training center became a reality in the future, it would be incorporated into the budget request of the Department of Treasury. It is not two agencies paying for the same thing, is what I am trying to say.

LEAA FUNDING OF GLYNCO

Mr. MILLER. I understand it isn't two agencies paying for the same thing, but it appeared that when we speak of reversionary funds, that somewhere along the line, that for some reason they couldn't match or didn't have their application in. LEAA had those funds left, and instead of not spending, here is a new program that

we will get started on and we will allow a grant to another group of people that should be requesting their funds from a Subcommittee, and we turn it over and we are going to spend the fund instead of the funds reverting back to the Treasury.

Mr. DIEGELMAN. There is a distinction that I have to make. You refer to it as a new initiative. It was new for Glynco. It was new for the law enforcement training center to engage in State and local training, but the utilization of LEAA funds for State and local training in these areas was by no means new. We had been doing it for a decade and a half.

What we were doing as part of a responsible close-out of the LEAA was transferring existing funds to another Federal agency to offer training at cost to any State and local personnel that wanted to pay to receive training. It is not a case of us using reverted funds for a new effort; it is a case of us taking existing LEAA training programs for which there is need and finding a very underutilized and inexpensive Federal facility to provide them, and offering the funds to them for the purpose of institutionalizing those program ideas.

Mr. MILLER. I guess I am not really getting at the bottom of it, in more ways than one.

You say it is approximately \$800,000?

Mr. DIEGELMAN. Yes. I can give you an exact figure. It is on a chart somewhere.

Mr. MILLER. Before you do, I might say that I received a figure in the other Subcommittee that was only \$150,000, so I guess our right hand doesn't know what the left hand is doing, and maybe that is our problem. But at least if we have this kind of information, and it is divided up among the agencies and coming from different Subcommittees, it is a problem for us to ride herd.

We are supposed to be oversight, to know what happens to the dollar. It is \$800,000.

What about the OJJDP program, where that would be a grant, and they have listed there that that grant was for \$250,000. It is listed as a grant to the center.

Mr. DIEGELMAN. They might consider that to be a grant. Technically it is an interagency agreement with the Office of Juvenile Justice providing funds to the Federal Law Enforcement Training Center to train State and local law enforcement personnel in the handling of troublesome or problem juveniles or delinquent juveniles. That is on the order of, to my knowledge, \$200,000, yes, sir.

Mr. MILLER. I happen to have the statement right here, \$250,000 as a grant. They definitely state that. That is why it is not as easy for us to keep track of just flow, whatever the flow of dollars is.

That's all I have at this time. Thank you.

ELIMINATION OF JUVENILE JUSTICE PROGRAM

Mr. EARLY. Mr. Diegelman, again, this proposal is to eliminate the juvenile justice formula grant program, since the Administration believes the major goals of this program have been accomplished. On page 10 of the justifications you state that the States have undertaken a number of systemwide improvements. Specifi-

cally what improvements have been undertaken, by what States, and what has actually been accomplished?

I would like you to provide that for the record.

Mr. DIEGELMAN. Yes, sir, I will.

[The following information was submitted:]

Juvenile Justice Systemwide Improvements

The JJDP Act requires that 75% of all Formula Grant funds be used for "advanced techniques" and the legislation specifically defines ten such "techniques." This has provided a wealth of innovative programs aimed at accomplishing the goals of the Act. Many of these programs have proven to be effective and have helped to improve the juvenile justice system of the participating states. Proven effectiveness is demonstrated by the progress in compliance with the specific goals of the Act, namely, 223(a)(12), (13), and (14). See Below:

Summary of Participation in the JJDP Act and Compliance with Sections 223(a)(12) and (13)

The initial year states and territories could participate in the JJDP Act was FY 75. During the initial year of participation, 45 of the 56 eligible states and territories received an award. Six states withdrew from participation prior to the FY 76 awards. This made a total of 39 states and territories participating for the full fiscal year. During FY 76, four additional states and territories began participation, thus making a total of 43 participating states.

Four more states began participation in FY 77 which made a total of 47 states receiving an award. However, two states withdrew from participation prior to the FY 78 award, thus making a total of 45 states and territories participating for the full 1977 fiscal year.

During FY 78, another five states began participation. No state receiving a FY 78 award withdrew from participation, thus a total of 50 states participated during the full 1978 fiscal year. In FY 79, an additional territory became eligible for participation, thus raising the number of eligible states and territories to 57. During FY 79, no state withdrew participation, but one additional began participation. This made a total of 51 states and territories participating during FY 79. During FY 81, one state renewed participation, one state began participation, and one state withdrew leaving 51 states and territories participating in the JJDP Act of 1974, as amended. During FY 82 one state renewed participation making a total of 52 participating states and territories. The five states not participating in the Act are:

Nevada
North Dakota
Oklahoma

South Dakota
Wyoming

Section 223(a)(15) requires states to provide for an adequate system of monitoring jails, detention facilities, correctional facilities, and non-secure facilities to insure that the requirements of subparagraphs (12)(A), (13), and (14) are met, and for annual reporting of the results of such monitoring to the Administrator. December 31st of each year has been established as the date for submitting the annual monitoring report. According to the most recently submitted and reviewed State Monitoring Report, the following to date, is a summary of compliance with Section 223(a)(12)(A) and (13).

Section 223(a)(12)(A)

- A. Of the 52 participating states, 43 have participated for five or more years and are thus required to achieve full compliance with Section 223(a)(12)(A) of the Act to maintain eligibility for FY 83 Formula Grant funds. Of these 43 states, a determination have been made that the following 34 states and territories are in full compliance pursuant to the policy and criteria for full compliance with de minimis exceptions.

American Samoa	Minnesota
Arkansas	Missouri
California	New Hampshire
Connecticut	New Jersey
Delaware	New York
District of Columbia	Ohio
Guam	Oregon
Idaho	Pennsylvania
Indiana	Puerto Rico
Illinois	Rhode Island
Iowa	South Carolina
Kentucky	Texas
Louisiana	Trust Territories
Maine	Vermont
Maryland	Virginia
Massachusetts	Virgin Islands
Michigan	Wisconsin

Nine of these 43 states have not to date been found to be in full compliance with the deinstitutionalization requirement. The nine states are:

Alaska	Montana
Arizona	New Mexico
Colorado	Tennessee
Florida	Washington
Georgia	

- B. Of the 52 participating states, eight must achieve substantial or better compliance to be eligible for FY 83 formula funds and four of these states (e.g., designated with *) must achieve full compliance for FY 84 formula fund eligibility.

*Alabama	North Carolina
*Hawaii	Northern Marianas
*Kansas	Utah
*Mississippi	

All eight have demonstrated substantial or better compliance and the Northern Marianas has been found in full compliance.

- C. One of the 52 participating states, Nebraska, must demonstrate progress to maintain eligibility for FY 83 funds and must achieve substantial or better compliance for FY 86 formula fund eligibility.

Section 223(a)(13)

There are 29 states which have demonstrated compliance with Section 223(a)(13) of the Act. Twenty-two other states have reported progress while one reported no progress.

Those 29 states which have been found in compliance with the separation requirement are:

American Samoa	New Hampshire
Arizona	New Jersey
Arkansas	New York
Connecticut	North Carolina
Delaware	Northern Marianas
District of Columbia	Pennsylvania
Guam	Puerto Rico
Hawaii	Rhode Island
Illinois	South Carolina
Maine	Texas
Maryland	Vermont
Massachusetts	Virginia
Michigan	Virgin Islands
Minnesota	Wisconsin
Nebraska	

The States reporting progress are:

Alabama	Louisiana
Alaska	Mississippi
California	Missouri
Colorado	Montana
Florida	New Mexico
Georgia	Ohio
Idaho	Oregon
Indiana	Trust Territories
Iowa	Utah
Kansas	Washington
Kentucky	West Virginia

The one state reporting no progress is Tennessee.

FUNDING OF JUVENILE PROGRAMS UNDER NEW STATE AND LOCAL
ASSISTANCE PROGRAM

Mr. EARLY. On your \$90 million now, what percentage of this money do you anticipate for programs targeted to juvenile offenders?

Mr. DIEGELMAN. Once again, it is impossible to predict because what we are doing is offering—

Mr. EARLY. I am not going to hold you to the exact numbers, but I mean, do you have any idea?

Mr. DIEGELMAN. We can assume, let's make this assumption. We are offering 10 models to be implemented by State and local governments. Two of them are juvenile program models, so approximately 20 percent of the models that are going to be offered are juvenile models.

The flexibility and the decision on the part of the States as to whether they do juvenile or comprehensive crime prevention or ICAP, the rest for the State and locals, I think you can assume maybe 10 to 20 percent of the formula funds will be spent in the replication of the juvenile models under the formula portion of the Act, and that is really just front-end guessing.

Mr. EARLY. A considerable drop from what we specifically funded to the Juvenile Justice Program?

Mr. DIEGELMAN. Yes, sir, but with a tremendous difference in focus.

The focus of the 1974 Act as amended is on the deinstitutionalization of the status offenders. It is our position that that statutory goal has basically been achieved in all of the States that have participated in it.

Mr. EARLY. Achieved in what respect?

Mr. DIEGELMAN. That 200,000 out of 235,000 status offenders (by our own accounting and by the state and local governments under the monitoring requirements of the Act) have been de-institutionalized, i.e., have been removed from secure correctional facilities, and that by the end of fiscal 1983 and the expenditure of the remainder of the funds in the program, that figure will be even higher.

In every one, in 31—I believe my figures are accurate—in 31 of the participating states, that goal of the de-institutionalization of status offenders has been achieved 100 percent.

Mr. EARLY. How many of those 31 States are saying that they have not got adequate security for juvenile offenders?

Mr. DIEGELMAN. I am not aware of any, but that does not mean that there aren't some States that feel that the funds are inadequate.

Mr. EARLY. I think an awful lot of States think they went too far with the de-institutionalization, and I think that is prevalent when you see in so many States—my State, for one, has got pending legislation to incarcerate juvenile and adult people together.

Mr. DIEGELMAN. Yes, sir.

Mr. EARLY. I don't know how we measure whether we have resolved the problem or reduced it or what. Can you tell us? You can do this for the record, give us a little more detail on the kind of programs for juveniles that the fund might fund.

Mr. DIEGELMAN. Yes, sir.

[The following information was submitted:]

ELIGIBLE JUVENILE JUSTICE PROGRAMS UNDER NEW FORMULA GRANT PROGRAM

Initially, we have selected two juvenile justice programs which would be eligible for funding under the State and Local Assistance formula grant program. These programs are, Project New Pride and juvenile restitution.

CHANGE OF FOCUS ON JUVENILE PROGRAMS UNDER NEW LEGISLATION

Mr. EARLY. Would you also for the record tell us how it would differ from the Juvenile Justice Programs that are already in place?

Mr. DIEGELMAN. If I might at this point for the record, and I will supply you with additional documentation if you want it, what we are envisioning under the new legislation is at least two juvenile models allowed to be funded under the formula portion of the Act.

Those models would include the treatment of violent juvenile offenders through such programs as Denver New Pride, which focuses on those career juvenile offenders who have serious learning disabilities and has been particularly effective through intensive counseling and training to both find them employment and also to break their pattern of criminal activity.

Also, restitution programming in the juvenile area, those are the two major models that we feel at this point have a sufficient track record to be picked up by the State and locals using this formula money.

It differs in that what we are not doing is providing formula grants to the States specifically for the de-institutionalization of juveniles who have committed acts which, if they were adults, would not be criminal. The runaway, the status offender, as we refer to him, we will no longer be funded in that area.

We will be changing the programmatic focus much more to the violent juvenile offender, that juvenile and/or youthful offender who commits acts which are criminal under state statute.

FEDERAL INVOLVEMENT IN JUVENILE PROGRAMS

Mr. EARLY. How does that go along with your saying we are not going to do anything about the runaway. I thought I read in the last few days about the Federal Government getting more involved, getting agencies involved with locating interstate missing persons.

I have been reading in the paper that the FBI is going to get involved with the missing persons program. As a matter of fact, most of them went along with runaways, I thought. The newspapers say the FBI is going to do that.

Are we getting away from that? What I hear in a lot of comments you are making on juvenile justice, Mr. Diegelman, is what I heard several years back when Jerome Miller was the in-service director in Massachusetts, more theory than you can shake a stick at. I thought when I came down here to Washington and met several of the professionals with the FBI and with the Justice Department that they talked the real world and not theory. I am hearing an awful lot of theory. LEAA gave us an awful lot of theory, and we had an intellectual approach to all our criminal problems.

Statistics are great. The charts are getting better, and the problems are getting greater.

Mr. DIEGELMAN. In response, I think we are taking the opposite position.

Mr. EARLY. I hope so.

Mr. DIEGELMAN. Primarily, I think the 1974 Act and its amendments in 1980 were geared toward a theoretical belief that the youth of today, the troubled youth of today, progresses from a pattern of status offenses, incarceration with serious adult criminal offenders, and then becomes a career criminal offender in his adult life.

The 1974 Act which has continued now for almost eight years, has provided over a half billion dollars, and I underscore that, a half billion dollars of Federal funds to prove the theory that if we took troubled children, troubled youths and youthful offenders, and de-institutionalized them and got them out of secure correctional settings and dealt with them on a much more intensive counseling basis, that all of a sudden criminal patterns would be broken.

All we can say at this point is that we have basically achieved that statutory goal. We no longer feel it is a role for the Federal Government to provide that level of funding for the proving or disproving of that theoretical model. We are saying instead that we have some specific violent offender programs, which have been tried, tested, demonstrated and evaluated at the local level, that are worth being implemented at the State level with the Federal Government absorbing 50 percent of the cost for a limited period of time.

RUNAWAY YOUTH ACT

Mr. EARLY. Specifically are you telling me that the Administration is getting more involved or less involved with runaways? The articles that I am reading about the FBI, the President suggesting that the FBI is going to be more involved, is that wrong? Are we getting involved more with runaways or are we getting farther away from it?

Mr. DIEGELMAN. Two initial comments. One is there are still funds, to my knowledge, being provided under HHS in the implementation of the Runaway Youth Act. It is not our responsibility in the Department of Justice.

Two, there was an act passed in the last session of the 97th Congress that specifically gave the FBI the responsibility for tracking runaway youths where there were situations that parents were not getting any real support out of State and local government.

I can't give you any more detail on that than perhaps to refer you to Mr. Rooney, who can give you a little more detail.

Mr. EARLY. Any more questions?

Mr. MILLER. Mr. O'Brien is at another meeting and he has a few questions to be answered for the record.

Mr. EARLY. Several other Members suggested they may submit questions for the record. If you will answer them, we would appreciate it.

Mr. DIEGELMAN. I will be glad to, Mr. Chairman.

PUBLIC SAFETY OFFICERS' BENEFITS PROGRAM

Mr. EARLY. I will supply numerous other questions for the record.

I will take this time to make a suggestion on your public safety officers' benefit program. It is an expensive program. We just had a State policeman who was shot by several different people with four different guns. It happened not three weeks ago, and the widow and youngsters have already received that money, so I would just put on the record how that program at least is administered effectively.

Mr. DIEGELMAN. Thank you very much, Mr. Chairman.

I would like to point out that we are fairly proud of the way the program has been implemented, in view of the fact that it is staffed with only four professionals, that we use volunteer hearing officers, and we have managed to process 250 claims a year, 350 claims with about 250 actually being paid, generally in a four to six-week time period.

Mr. EARLY. Of those four administrators, are any of them lawyers?

Mr. DIEGELMAN. No, sir.

Mr. EARLY. That is why it is working so well.

Mr. MILLER. If you are ready to shut the hearing down, that prompts a question.

You had 350 claims?

Mr. DIEGELMAN. Yes.

Mr. MILLER. Paid 250 claims. Why not pay the other 100?

Mr. DIEGELMAN. The answer is a fairly simple one and I will give you a straightforward answer.

Under the legislative history and the regulations which are published, most of the cases where we do not pay, or where a claim falls out, is on the sustaining of a heart attack, since it is not a traumatic physical injury suffered in the line of duty. Under the legislative history, it is not a life insurance program, it is clearly a program geared to law enforcement officers, public safety officers and firemen who suffer traumatic injury in the line of duty.

The great majority of the cases fall out either on heart attack or on smoke inhalation or on definition of the line of duty. An off-duty policeman who happens to observe a particular criminal activity going on and who has had several drinks, was he voluntarily intoxicated performing a law enforcement activity in the line of duty when he suffered that injury?

Those are the three main categories on which the claims fall out.

Mr. MILLER. Very good. Thank you.

Mr. EARLY. Thank you very much, gentlemen. We have some additional questions which we shall submit to you and ask you to answer for the record.

[The questions referred to and the answers follow:]

QUESTIONS SUBMITTED BY MR. SMITH

OFFICE OF JUSTICE ASSISTANCE

State and Local Assistance

QUESTION:

The FY 1984 budget request includes an increase of \$90,000,000 to begin a new program of State and Local Assistance for training, technical assistance and financial assistance to state and local criminal justice agencies for specific programs of "proven effectiveness" which focus on violent and repeat offenders. Could you be more specific? What programs do you have in mind and what evidence do you have that they are effective?

ANSWER:

The Administration's proposal lists eleven specific types of projects which are eligible for funding. Program models already exist for several of these categories and new models will be developed on the basis of successful experience by state or local law enforcement agencies and through the research and evaluation processes of the National Institute of Justice. The existing models have been proven effective through prior demonstration projects. For example, the Treatment Alternatives of Street Crime (TASC) program to reduce recidivism among drug and alcohol abusing offenders, after the involvement of 52,000 offenders, showed that 64 percent of the offenders were successfully discharged. A study of the Career Criminal Prosecution Program showed that over a five year period: (1) 11,822 career criminal defendants were prosecuted; (2) approximately 11,000 of those defendants were convicted, 88 percent of whom were convicted of the most serious charge; (3) the overall conviction rate was 92.8 percent, involving a total of 23,461 charges; and (4) the average sentence was 13 years, 8 months. Similar evidence of effectiveness exists for the other existing program models which include "Sting" undercover fencing operations, the Integrated Criminal Apprehension Program (ICAP), Prosecution Management Information System (PROMIS), and the New Pride serious juvenile offender program.

QUESTION:

How would these funds be distributed and how did you decide that \$90,000,000 was the appropriate level of funding for the first year of this new activity?

ANSWER:

Under the proposed legislation, 80 percent, or \$72 million, of the appropriation would go to formula grants. The formula grants would be distributed on a population basis and states would be required to pass through a portion of the funds to local governments. The remaining 20 percent of funds would be discretionary and would be used for demonstration projects, training, technical assistance, and national scope or priority projects. A table showing the state by state distribution of formula grant funds is provided.

The Administration proposal lists eleven programs which are eligible for funding. All of the model programs being proposed have been demonstrated, evaluated, and proven to be effective in those jurisdictions in which they were tried. We performed an analysis on the cost of replicating program models nationwide based upon the average cost of existing projects and the number of jurisdictions in which models do exist and do not exist. Considering the dollar-for-dollar match required for each project, this would equate to a program effort of almost \$150 million, which we feel is reasonable.

Proposed Distribution of Formula Grant Funds*

Alabama.....	\$1,249,000	Nebraska.....	\$653,000
Alaska.....	353,000	Nevada.....	455,000
Arizona.....	948,000	New Hampshire.....	486,000
Arkansas.....	837,000	New Jersey.....	2,142,000
California.....	6,330,000	New Mexico.....	584,000
Colorado.....	992,000	New York.....	4,761,000
Connecticut.....	1,048,000	North Carolina.....	1,759,000
Delaware.....	403,000	North Dakota.....	418,000
District of Columbia..	414,000	Ohio.....	3,023,000
Florida.....	2,752,000	Oklahoma.....	1,027,000
Georgia.....	1,654,000	Oregon.....	926,000
Hawaii.....	498,000	Pennsylvania.....	3,298,000
Idaho.....	492,000	Rhode Island.....	493,000
Illinois.....	3,183,000	South Carolina.....	1,051,000
Indiana.....	1,660,000	South Dakota.....	427,000
Iowa.....	998,000	Tennessee.....	1,429,000
Kansas.....	857,000	Texas.....	3,905,000
Kentucky.....	1,190,000	Utah.....	625,000
Louisiana.....	1,330,000	Vermont.....	381,000
Maine.....	539,000	Virginia.....	1,623,000
Maryland.....	1,333,000	Washington.....	1,311,000
Massachusetts.....	1,724,000	West Virginia.....	751,000
Michigan.....	2,628,000	Wisconsin.....	1,459,000
Minnesota.....	1,297,000	Wyoming.....	371,000
Mississippi.....	897,000	Puerto Rico.....	1,071,000
Missouri.....	1,513,000	Total.....	72,000,000
Montana.....	452,000		

*This distribution is based on the formula contained in the proposed Justice Assistance Act.

QUESTION:

How is this new program different from the old Law Enforcement Assistance Administration program which was considered to be wasteful and in many ways ineffective by many in the Congress and in the Executive Branch?

ANSWER:

The LEAA program was designed to provide very large sums of federal money to the states for a broad range of programs to improve the criminal justice system. By contrast, the Administration proposal envisions a modest, narrowly targeted program of training, technical assistance and funds to address a limited range of activities.

Moreover, the kinds of activity eligible for federal assistance are limited to those which can have a measurable impact on crime, offenders, victims and witnesses, and crime prevention efforts.

QUESTION:

How are you going to prevent the problems that plagued the LEAA program from occurring again in this new State and Local Assistance program?

ANSWER:

Much has been learned from the LEAA experience. We have seen, for example, that money alone is not the solution to the crime problem. Moreover, LEAA's priorities were unclear and constantly shifting, resulting in scattershot funding and minimal payoff for the investment.

The Administration proposal avoids the broad mandate to "improve criminal justice systems" at the state and local levels of government. Instead, we are recommending a modest effort based on program models that have been demonstrated to produce an impact on the most serious crime-related issues. Operating from a streamlined organization structure within the Department of Justice, this program will focus the products of research and statistical analysis, along with relatively small amounts of funding, directly on the problems of violent crime, repeat offenders, victim/witness assistance, and crime prevention.

Juvenile Justice Programs

QUESTION:

Also on page 10 you state that further action will be undertaken to encourage the state and local governments to provide adequate resources toward addressing the problems with the juvenile justice system. What office in the Department of Justice will have this responsibility and how are you going to encourage the state and local governments to address these problems if no additional juvenile justice funds are provided?

ANSWER:

Although funding is not requested for FY 1984, Juvenile Justice personnel would still be employed by the Federal Government. In closing out the program, these personnel would do everything possible to encourage state and local agencies to provide funds for such programs. Forty positions would be released under the FY 1984 program to prepare for its orderly phase out.

QUESTION:

On page 12 of the justifications it is noted that 41 restitution projects were funded in 26 states, Puerto Rico and the District of Columbia and that most of these projects currently are in the process of being closed. How many of these projects were evaluated by your office and how many of them were considered to be successful?

ANSWER:

All of the projects were evaluated with six projects intensively evaluated. Thirty of the thirty-six projects receiving third year funding were considered successful based upon statistics in the interim evaluation report.

Five projects of the original forty-one were terminated. One project dropped out voluntarily since the judge felt he was prevented by state statute from complying with the program's requirements. The other four projects had an insufficient number of suitable clients and/or had internal management problems and reorganizations resulting in slowdown or suspension of restitution activities.

Monetary, community service and victim service restitution was performed. While the final evaluation report has not been completed, the interim evaluation shows thirty successful projects. Success was determined by analysis showing low in-program repeat offense rates, by a high degree of completion of restitution orders, by the amounts paid and by the projects meeting client flow objectives.

Intensive evaluation was an experimental research design with random assignment of offenders and victims into experimental and control groups at six sites. Comparisons were made between restitution and non-restitution dispositions, programmatic restitution and nonprogrammatic restitution, restitution as a sole sanction versus restitution coupled other types of juvenile court dispositions. Also, rates of recidivism and attitudinal shift were examined.

Overall statistics to date are:

- . 17,300 youth participating
- . Over 18,390 victims and \$9.5 million involved in offenses by these youth
- . Judges have ordered:
 - . \$2.5 million in monetary payments
 - . 355,000 hours of community service, and
 - . more than 6,052 hours of direct services to victims

Data from over 15,427 closed cases (89 percent of referrals) shows that juveniles involved in restitution have:

- . paid \$1,532,966 in monetary restitution
- . worked 259,092 hours of community service
- . performed more than 4,050 hours of direct victim service
- . 77 percent of youth referred are successfully completing original or adjusted restitution orders. If project inelligibles are deleted, the successful completion rate is 86 percent
- . 83 percent of referrals do not have further contact with the juvenile court prior to case closure

The Restitution Program costs average about \$1,000 per youth. Incarceration costs range from \$24,000 to \$43,000 per year.

QUESTION:

How many of these projects will remain in operation without federal funding?

ANSWER:

Twenty four of the thirty-six projects receiving third year funding will continue per a survey six months ago.

QUESTION:

Also on page 12 of the justifications you indicate that the assumption rate for Law Enforcement Assistance Administration and Crime Control Act projects has been about 65 percent. What has been the assumption rate for juvenile justice projects by the state and local governments?

ANSWER:

Both the Diversion and Deinstitutionalization of Status Offender programs saw some assumption of projects; however, specifics are not available at present. For Project New Pride, four of the remaining seven grants are receiving some continuation funding with partial assumption of costs at the local level. Three projects are being terminated. One of the three projects will continue one component of the New Pride model with local funding, and all three projects hope to be funded by local funding sources at the end of the fiscal year, in June.

As indicated, twenty-four of the thirty-six restitution projects are being continued.

Three other programs are currently operating (Prevention of Delinquency through Alternative Education; the Delinquency Prevention through Capacity Building Program and Youth Advocacy; Improving Availability and Quality of Youth Services). The Violent Juvenile Offender Program, Parts I and II, has just become operational.

As far as other programs are concerned, previous grantees would have to be polled to determine assumption rates. Time does not permit this to be done.

QUESTION:

If the juvenile justice program is not funded again by the Congress, will any of its projects be assumed by other organizations within the Department of Justice?

ANSWER:

We do not believe so.

Justice Statistical Programs

QUESTION:

The justifications show an increase of \$1,700,000 requested for the Bureau of Justice Statistics to conduct a "major longitudinal analysis" of federal justice systems and the quinquennial census of state corrections facilities. How much are you requesting for each program and could you describe briefly what you hope to accomplish in each project?

ANSWER:

The request includes \$750,000 to develop a comprehensive data base of Federal Justice Statistics and \$950,000 for a census of state correctional institutions and inmates.

Development of Comprehensive Data Base. The major objective of this effort is the development of a comprehensive data base tracing federal offenders from investigation through prosecution, adjudication, sentencing and corrections. Development of this data base represents the first attempt to integrate data being collected by separate components of the federal criminal justice system and will permit both summary and indepth analyses of individual issues (e.g., recidivism, plea bargaining) and substantive crime-specific trends over time (e.g., drug offenses). These analytic efforts represent the "major longitudinal analysis" referred to in the earlier submission. To date, data transfer arrangements have been entered with the FBI, the Executive Office of the U.S. Attorneys, the Administrative Office of the U.S. Courts and the Bureau of Prisons; preliminary data linkage has been accomplished. The FY 1984 funds requested will support the major effort necessary to link data from an expanded number of federal justice resources, including DEA and other key investigatory agencies. It is anticipated that data will trace events occurring during a three-year period, 1978 to 1980. Products to be prepared under FY 1984 funding include an annual Compendium of Federal Criminal Justice Statistics (the only single resource to data tracing and linking all activities of the federal system) and a series of analytic reports. Individual data analyses responding to particular budgetary, legislative and policy-related inquiries will also be possible.

Quinquennial Census of State Correctional Institutions and Survey of Inmates. The Census of State Correctional Facilities will provide the first opportunity in five years to look at prison population and its pressure on individual prison facilities. We will find out how many facilities have been built since 1979, how many are under construction and how many are anticipated to be built in the next five years. For each facility we will ascertain the number of cells, rooms, or dormitories, the number of square feet in each and the number of persons occupying each. We will also investigate temporary measures used to house prisoners.

We will collect information on the function of each facility, i.e., whether it is diagnostic treatment, community-based, the degree of security (maximum, medium and minimum), correctional employment and staffing patterns, health facilities, work, and treatment programs.

In conjunction with the census, a Survey of Inmates of State Correctional Institutions will be conducted. This survey, which consists of interviews conducted with a stratified random sample of inmates, is conducted concurrently with the census so that (1) census data can be used to inflate the survey estimates to the universe and (2) economies can be achieved in data collection.

The survey collects data on the inmates' social and economic characteristics, work history, criminal history, drug and alcohol abuse, current offense and litigation history. This survey is the only source of data on the offenses committed by and sentences imposed

on the entire prison population; it has provided significant information on the role that substance abuse plays in the life of offenders as well as on the nature of criminal careers. Since this survey has been conducted twice before, we will be able to look at trends over a decade and to explore how the characteristics of the more than four hundred thousand prison inmates today are similar to and different from the less than two hundred thousand inmates ten years ago.

QUESTION:

What in plain English is a "major longitudinal analysis" of the federal justice system?

ANSWER:

As indicated in the response to the question above the term "major longitudinal analysis" is used to describe the proposed statistical analysis of data tracing federal offenders through all components of the criminal justice system over a period of time, i.e., from arrest to disposition, including release from penal institutions and parole. By the conclusion of FY 1984, this period should include the three years 1978, 1979, and 1980. This type of analysis of case and defendant processing across the entire system will permit the identification of long-term implications of current policy initiatives, the evaluation of budget and resource options and the assessment of trends in different judicial districts over time.

QUESTION:

On page 21 of the justification materials it is noted that the number of state statistical projects supported by the Bureau of Justice Statistics increased from 35 to 70 between 1981 and 1982. What effort is being made to have the states support their own statistical projects?

ANSWER:

The increase in the number of state-level statistical projects that are supported by BJS reflects funding of more projects at a lower cost per project, as the states assume more financial responsibility and as major programs such as the Comprehensive Data Systems Program are phased out. Also, this increase reflects a number of small grants given to selected states for interim funding of state-level Uniform Crime Reporting and for improved collection of correctional data for national reporting.

BJS has taken several actions to encourage states to support their own statistical projects. Awards for new Statistical Analysis Centers (SACs), for example, are for one year. Only if an Analysis Center has made adequate strides during the first year is it eligible for two additional years of funding. Funding by the state must begin no later than the fourth year of operation. A SAC must be authorized by state legislation or executive order; moreover the state must be prepared to assume financial support when federal funding ends. In a few instances, BJS will provide emergency interim funding if there is a gap between the expiration of the last grant and the availability of funds from the state legislature.

Additionally, the Director of BJS has contacted Governors and other state officials to encourage state funding of SACs.

Statistical Analysis Centers are a principal source of BJS statistical and Uniform Crime Reporting (UCR) data. As such, they have a dual workload in providing data for national series as well as meeting state needs. In order to share this burden and to establish the SAC as a state agency supported by state funding, BJS does provide small amounts of funding for federally-oriented functions. In this way, scarce state resources can be used to fund a SAC to meet state requirements while federal tasks are paid for with federal funds. This partnership encourages states to support their SAC knowing that, if additional data or analyses are required for national reporting, they will be supported by federal funds.

QUESTION:

On page 22 of the justifications the state courts statistics projects is discussed. How much funding has this project received, who uses the report that is produced and will the states assume the costs of producing this report in the future?

ANSWER:

To date the Bureau has allocated \$1,875,951 to the National Court Statistics Project.

The products of this effort are used by administrative offices in the states for improving and enhancing statistical reporting capabilities, by the legislatures and Chief Justices of the states to assess their state court system's status and capabilities as related to other states, by the Bureau of Justice Statistics and other researchers to review trends in court workload and to forecast future workloads and the impact of system and procedural changes on court activity, and by the general public as court watchers interested in assessing court performance.

The states are not expected to assume the costs of producing this report in the foreseeable future. The primary report is of a national scope and interest. The states produce individual annual reports for their own use and these reports are then compiled into a national report on state caseloads.

QUESTION:

On page 17 of the justifications there are several studies listed in the corrections area which were funded by the National Institute of Justice. Why were these studies funded by the National Institute of Justice and not the National Institute of Corrections?

ANSWER:

While the National Institute of Justice and the National Institute of Corrections both are provided with statutory authority to conduct research on corrections issues, there are basic difference in the types of research they support and the purposes for which projects are undertaken. A memorandum of understanding was signed by both Institutes in February, 1978. It identifies their respective areas of emphasis and provides a mechanism for avoiding wasteful duplica-

tion of effort. In brief, the memorandum acknowledges that the National Institute of Justice's correctional research program will focus on system-wide correctional issues with implications for long-range impact. The research supported by the National Institute of Corrections, on the other hand, is designed to improve and upgrade the administration of corrections and have an immediate or short-range impact on the problems of operational agencies.

The studies described in the budget request for the National Institute of Justice were initiated in accordance with the terms of the memorandum of understanding and after consultation with the National Institute of Corrections. Specifically, the survey of American prisons and jails was undertaken in response to a direct legislative mandate contained in Section 402(c) of the Crime Control Act of 1976. That survey contains extensive national data on correctional populations and was the first and most complete study of its kind. The four jail studies mentioned were initiated in response to the dearth of information identified by the survey of prisons and jails, and are being conducted in close cooperation with the NIC. The completed study on the effects of prison crowding was considered to be particularly appropriate for the National Institute of Justice because of its long term implications for prison design and construction and the court suits over the appropriate standards for space per inmate.

The National Institute of Justice continues to consult with the National Institute of Corrections at each stage in the development of its corrections research program, and in the implementation of research projects and disseminations of research findings.

Public Safety Officers' Benefits Program

QUESTION:

The justifications show an increase of \$1,700,000 requested for the Public Safety Officers' Benefits Program. I believe that this increase is the first requested for this program in several years. Does this requested increase indicate that the number of officers being killed throughout the country has recently increased?

ANSWER:

No it does not. The increase of \$1,700,000 for 1984 is requested in order to achieve a base funding level of \$12,500,000 for the program. This amount is based on the average number of eligible claims in recent years which has been approximately 250. Appropriations in 1982 and 1983 (\$10.131 million and \$10.8 million, respectively) were less than the amount needed. However, deobligated Law Enforcement Assistance Administration funds were reprogrammed to meet the needs. The requested increase eliminates the dependency on reverted funds which are not expected to be available in 1984.

QUESTION:

Please provide for the record the number of claims and the dollar amount that was paid in each year since the program has been authorized.

ANSWER:

Although authorizing legislation was enacted September 29, 1976, funds were first appropriated in fiscal year 1977 and the program actually became operational in mid 1977.

<u>Year</u>	<u>Claims Paid</u>	<u>Amount Paid</u>
1977*	110	\$5,500,000
1978	239	11,950,000
1979	258	12,900,000
1980	234	11,700,000
1981	269	13,450,000
1982	217	10,850,000

*Represents activity for about half of the year.

Management and Administration

QUESTION:

The justifications show an increase of \$1.3 million and 43 positions which you indicate is necessary to support the new State and Local Assistance Program. Since you are also proposing to terminate the Juvenile Justice and Delinquency Prevention Program, why can't those positions be used to administer the new State and Local Assistance Program?

ANSWER:

The figure of \$1.3 million and 43 positions is a net figure. It includes 65 positions for the new State and Local Assistance Program offset by a decrease of 22 positions due to the termination of the Juvenile Justice program. Since the juvenile formula grants have a three year life (year of appropriation plus two) and categorical awards are frequently made for 18 or 24 months, the Juvenile Justice funds which were awarded in 1983 will still be active in 1984 and 1985. Therefore, only 22 of the 62 positions authorized for Juvenile Justice will be eliminated in 1984. Any personnel who are displaced will of course be considered for positions in the State and Local Assistance Program.

QUESTIONS SUBMITTED BY MR. EARLY

State and Local Assistance/Juvenile Justice/Drug Grants

QUESTION:

In your statement (p. 3) and in the justification, you explain that the state and local assistance proposal would fund programs "of proven effectiveness." Have the existing juvenile justice programs proven to be effective?

ANSWER:

The Juvenile Justice and Delinquency Prevention (JJDP) Act requires that 75 percent of all Formula Grant funds be used for "advanced techniques" and the legislation specifically defines ten such "techniques." This has provided a wealth of innovative programs aimed at accomplishing the goals of the Act. Many of these programs have proven to be effective and have helped to improve the juvenile justice system of the participating states. Proven effectiveness is measured by progress in complying with the specific goals of the Act, namely, 223(a)(12), (13), and (14).

The first year states and territories could participate in the JJDP Act was FY 1975. During the initial year of participation, 45 of the 56 eligible states and territories received an award. Six states withdrew from participation prior to the FY 1976 awards, making a total of 39 states and territories participating for the full fiscal year. During FY 1976, four additional states and territories began participation, thus making a total of 43 participating states.

Four more states began participation in FY 1977 which made a total of 47 states receiving an award. However, two states withdrew from participation prior to the FY 1978 award, thus making a total of 45 states and territories participating for the full 1977 fiscal year.

During FY 1978, another five states began participation. No state receiving a FY 1978 award withdrew from participation, thus a total of 50 states participated during the full 1978 fiscal year. In FY 1979, an additional territory became eligible for participation, thus raising the number of eligible states and territories to 57. During FY 1979, no state withdrew participation, but one additional began participation. This made a total of 51 states and territories participating during FY 1979. During FY 1981, one state renewed participation, one state began participation, and one state withdrew leaving 51 states and territories participating in the JJDP Act of 1974, as amended. During FY 1982 one state renewed participation making a total of 52 participating states and territories. The five states not participating in the Act are: Nevada, North Dakota, Oklahoma, South Dakota and Wyoming.

Section 223(a)(15) requires states to provide for an adequate system of monitoring jails, detention facilities, correctional facilities, and non-secure facilities to insure that the requirements of subparagraphs (12)(A), (13), and (14) are met, and for annual reporting of the results of such monitoring to the Administrator.

December 31 of each year has been established as the date for submitting the annual monitoring report. According to the most recently submitted and reviewed State Monitoring Report, the following to date, is a summary of compliance with Section 223(a)(12)(A) and (13).

Of the 52 participating states, 43 have participated for five or more years and are thus required to achieve full compliance with Section 223(a)(12)(A) of the Act to maintain eligibility for FY 1983 Formula Grant funds. Of these 43 states, a determination has been made that the following 34 states and territories are in full

compliance pursuant to the policy and criteria for full compliance with few minor exceptions.

American Samoa	Minnesota
Arkansas	Missouri
California	New Hampshire
Connecticut	New Jersey
Delaware	New York
District of Columbia	Ohio
Guam	Oregon
Idaho	Pennsylvania
Indiana	Puerto Rico
Illinois	Rhode Island
Iowa	South Carolina
Kentucky	Texas
Louisiana	Trust Territories
Maine	Vermont
Maryland	Virginia
Massachusetts	Virgin Islands
Michigan	Wisconsin

To date, nine of these 43 states have not been found to be in full compliance with the deinstitutionalization requirement. The nine states are:

Alaska	Montana
Arizona	New Mexico
Colorado	Tennessee
Florida	Washington
Georgia	

Of the 52 participating states, eight must achieve substantial or better compliance to be eligible for FY 1983 formula funds and four of these states (designated with *) must achieve full compliance for FY 1984 formula funds eligibility.

*Alabama	North Carolina
*Hawaii	Northern Marianas
*Kansas	Utah
*Mississippi	West Virginia

All eight have demonstrated substantial or better compliance, and the Northern Marianas has been found in full compliance.

One of the 52 participating states, Nebraska, must demonstrate progress to maintain eligibility for FY 1983 funds and must achieve substantial or better compliance for FY 1986 formula fund eligibility.

There are 29 states which have demonstrated compliance with Section 223(a)(13) of the Act. Twenty-two other states have reported progress while one reported no progress.

Those 29 states which have been found in compliance with the separation requirement are:

American Samoa	New Hampshire
Arizona	New Jersey
Arkansas	New York
Connecticut	North Carolina
Delaware	Northern Marianas
District of Columbia	Pennsylvania
Guam	Puerto Rico
Hawaii	Rhode Island
Illinois	South Carolina
Maine	Texas
Maryland	Vermont
Massachusetts	Virginia
Michigan	Virgin Islands
Minnesota	Wisconsin
Nebraska	

The states reporting progress are:

Alabama	Louisiana
Alaska	Mississippi
California	Missouri
Colorado	Montana
Florida	New Mexico
Georgia	Ohio
Idaho	Oregon
Indiana	Trust Territories
Iowa	Utah
Kansas	Washington
Kentucky	West Virginia

QUESTION:

If so, what is the sense of eliminating a program that we know has worked, when you claim to want to support programs of "proven effectiveness," especially considering that this new proposal has not been authorized?

ANSWER:

The passage quoted refers primarily to the formula grant portion of the Administration's State and Local Assistance proposal. In it, we are trying to capitalize on the lessons learned from the LEAA experience by defining proven, successful crime control program models and providing modest amounts of funding to state and local governments to set up programs of their own, chosen by them from the menu of models in a pattern to meet their own anti-crime objectives. We also believe most crime control is ultimately a state and local responsibility, so this program requires a high participation level by state and local governments, and a firm cut-off of federal funds after three years. It is a hybrid, using targetting philosophy on the program and a formula as the method for distributing funds, while encouraging state responsibility and maximum state flexibility in choosing crime control objectives and applying successful techniques to achieve them.

The juvenile justice formula grants have a quite different nature. The objectives were stated in the legislation (e.g., deinstitutionalization, separation, etc.). The precise models are not prescribed, but there is very little discretion as to goals. We be-

lieve the states have adopted, in the majority of cases, policies and procedures to maintain and improve the success they have established. We expect them to be self-sustaining now, so that federal funds are no longer necessary.

QUESTION:

The Department of Justice has also requested a program reduction of \$9.4 million to eliminate funding for the State and Local Drug Grant program, funding which Congress restored last year because it considered this program to be an effective means of combatting drug-related crime. Would the activities funded by the multi-state intelligence projects be assumed by the proposed state and local assistance program?

ANSWER:

To the extent these multi-state projects address the purposes specified in the legislation and relate to violent crime, repeat offenders, victim/witness assistance, and crime prevention, they would be eligible for funding under the proposed program. The ultimate decision, however, would be made by the states and localities receiving funds under the program.

QUESTIONS SUBMITTED BY MR. O'BRIEN

Use of Delinquency Prevention Funds

QUESTION:

Would you tell the committee how you are using the funds appropriated for delinquency prevention as authorized under the Juvenile Justice Delinquency Prevention Act?

ANSWER:

From 1977 to 1980, a major assessment was completed of research on delinquency and prevention, and of existing prevention programs conducted by the NIJJDP Assessment Center on Delinquent Behavior and Prevention. This assessment is synthesized in state-of-the-art reports on a variety of topics related to delinquency (e.g., family, education, religion, peers, recreation, community, employment, drugs and alcohol and delinquent careers). Furthermore, the results of the assessment have been applied to the design of a research and development (R&D) program to test the "social development" approach to prevent all types of delinquency. The comprehensive R&D program in Seattle, Washington includes strategies focused on the family, school, peer group and community. The school-based strategies are also being tested in six other cities. The effects of the program on academic achievement, commitment to school and delinquent behavior will be tested.

The results of the assessment and the social development model have also guided the design of a research and development program to prevent violent juvenile crime.

The evaluation will assess the effectiveness of community groups in organizing the community to implement specific strategies to prevent violent crime by juveniles. In addition to the tests of more comprehensive approaches to delinquency prevention, several evaluations of specific education-based programs have been funded. Evaluation of the Law-Related Education program and the Alternative Education program are being completed. A major research and development program on learning disabilities and juvenile delinquency was completed in 1981. The results are being disseminated through regional training institutes.

A chart is provided which shows "delinquency prevention activities" for 1981 through 1983 under the Formula Grant Program. Also provided is data on delinquency prevention programs which were funded from other than Formula Grant funds.

There has also been a major training effort in this area for Law Related Education (LRE) which is performed by six NIJJD grantee organizations: American Bar Association; Phi Alpha Delta Law Fraternity, International; Center for Civic Education (Law in a Free Society); Children's Legal Rights Foundation; Constitutional Rights Foundation; and the National Street Law Institute. Prior to this year, approximately \$5.9 million has been awarded for LRE projects.

For FY 1983, a training program in the area of Learning Disabilities has been continued. The project will conduct six training seminars which will provide training and information to decision makers about conclusions and recommendations of the Learning Disabilities and Juvenile Delinquency R&D Program.

Formula Grant Funds Expended for Prevention

<u>State</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>
Alabama	53,235	53,235	53,235
Alaska	115,000	46,875	No Plan
Arizona	280,514	245,000	No Plan
Arkansas	91,881	106,514	55,506
California	1,938,000	1,293,440	No Plan
Colorado	...	125,000	201,375
Connecticut	14,788	4,000	No Plan
Delaware	36,229	...	...
District of Columbia	...	180,000	No Plan
Florida	406,864	362,821	362,821
Georgia	410,000	50,000	50,000
Hawaii	No Plan	...	No Plan
Idaho	54,000	96,875	No Plan
Illinois	...	...	No Plan
Indiana	131,332	27,000	No Plan
Iowa	98,514	120,675	No Plan
Kansas	...	...	...
Kentucky	...	290,000	300,000
Louisiana	285,537	148,367	102,452
Maine	130,000	126,800	88,000
Maryland	171,376	...	No Plan
Massachusetts	488,351	447,015	426,350

815
Formula Grant Funds Expended for Prevention (cont'd)

<u>State</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>
Michigan	1,337,000	126,621	...
Minnesota	194,301	...	No Plan
Mississippi	160,000	100,000	150,000
Missouri	...	4,290	...
Montana	68,000	...	No Plan
Nebraska	30,000	19,694	19,245
Nevada	No Plan	No Plan	No Plan
New Hampshire	14,000	...	...
New Jersey	...	274,505	488,165
New Mexico	...	50,000	No Plan
New York	600,000	576,000	576,000
North Carolina	532,936	340,472	340,472
North Dakota	No Plan	No Plan	No Plan
Ohio	190,607	86,976	109,597
Oklahoma	No Plan	No Plan	No Plan
Oregon	...	68,000	No Plan
Pennsylvania	...	...	No Plan
Rhode Island	45,161	96,299	116,174
South Carolina	105,676	212,677	204,430
South Dakota	No Plan	No Plan	No Plan
Tennessee	No Plan	85,000	92,000
Texas	330,710	185,000	182,000
Utah	175,000	80,450	No Plan
Vermont	70,000	87,375	No Plan
Virginia	562,487	607,579	330,762
Washington	250,402	80,963	...
West Virginia	152,500	...	No Plan
Wisconsin	388,375	313,582	326,059
Wyoming	No Plan	No Plan	No Plan
Puerto Rico	...	135,000	135,000
American Samoa	39,218	16,500	No Plan
Guam	...	25,824	No Plan
Trust Territories	22,870	23,000	No Plan
Virgin Islands	49,218	...	...
Marianas	16,938	45,111	16,789
Total	10,041,020	7,346,535	4,726,432

<u>Program</u>	<u>Year Funded</u>	<u>Dollars</u>	<u>Evaluation</u>
<u>Prevention of Delinquency</u> <u>Through Alternative Education-</u> Aimed at a reduction in drop-out, truancy, suspension and school crime rates through modification of adverse school policies and im- provement in curriculum.	1980	\$14,911,597	\$675,525
<u>Programs to Prevent Juvenile</u> <u>Delinquency</u> - To develop and implement new approaches and techniques to prevent delin- quency in communities where youth are in greatest danger of becoming delinquent.	1977	17,211,586	675,525

<u>Program</u>	<u>Year Funded</u>	<u>Dollars</u>	<u>Evaluation</u>
<u>Delinquency Prevention Through Capacity Building</u> - To increase capacity of public and private groups to prevent delinquency through a variety of programs such as crisis intervention, peer counseling, programs to improve the administration of justice.	1981	\$6,701,196	locally evaluated
<u>Youth Advocacy: Improving Availability and Quality of Youth Services</u> - To change statutes, regulations, policies and practices of the juvenile justice, educational and social service systems which are detrimental to the needs and best interests of youth.	1980	17,121,936	\$895,828 -
<u>Violent Juvenile Offender, Part II</u> - To enhance the ability of neighborhood residents to control and supervise the behavior of youth.	1982	2,000,000	796,028 for Parts I & II
<u>Delinquency Prevention Research and Development Program</u> - Part I, a comprehensive project at one site addressing the most important units of socialization as they influence youthful behavior; Part II, six local school enhancement projects testing school-based strategies.	1980	2,400,000 (Part I) 2,000,000 (Part II)	1,620,007* 1,095,000

*Includes research and development activities.

Training

QUESTION:

What is the Office of Juvenile Justice doing to train the staff of community-based organizations in the treatment and handling of serious and violent juvenile offenders?

ANSWER:

The Training, Dissemination and Standards Division (TDSD) within the National Institute for Juvenile Justice and Delinquency Prevention (NIJJDP) Office of Juvenile Justice and Delinquency Prevention, is involved in a number of activities relative to training staff of

community-based correctional organizations in the treatment and handling of serious and violent juvenile offenders.

1. The TDSD has entered into an Interagency Agreement with the National Institute for Drug Abuse (NIDA) to conduct training relative to the violent substance-abusing juvenile offender. The primary goal of this program is to improve the identification, referral, rehabilitation and follow-up services of youth service agencies working with these juvenile offenders. The project will: (a) review and assess probation department policies and procedures for processing the offenders; (b) provide instruction to trainers and probation officers in the juvenile justice system; (c) provide technical assistance for the improved processing of violent substance-abusing youth offenders; and (d) cosponsor new identification, referral, treatment, rehabilitation and follow-up services.
2. Through the use of a Memorandum of Understanding between the Office of Juvenile Justice and Delinquency Prevention (OJJDP) and the National Institute of Corrections (NIC), TDSD is providing funds for the training of nine juvenile justice administrators at the Executive Seminar conducted at the National Academy of Corrections (NAC). In addition, NAC will offer two juvenile Correctional Management Courses for 55 juvenile correctional administrators and managers; one course, Handling the Serious and Violent Juvenile Offenders for 30 juvenile justice and alternative system administrators, and the other, Training of Trainers
3. The TDSD awarded a grant to the National Council of Juvenile and Family Court Judges to conduct training in the area of the serious and violent juvenile offender. This project will allow participants to: (a) review, discuss and interrelate appropriate program models for the treatment, control and reintegration of the serious and violent juvenile offender; (b) assess strategies for increasing the capacity of the juvenile justice system, and particularly the nation's juvenile and family court judges, to handle serious and violent offenders fairly, efficiently and effectively and (c) develop and utilize a knowledge based on serious and violent juvenile crimes, juvenile offender and related issues to aid them in the design and implementation of future workable programs at the state and local levels aimed at reducing serious and violent juvenile crimes. Approximately 1,267 participants will be trained under this project.
4. The TDSDS will be awarding a grant to the 70001 Ltd., Youth Employment Company for a Youth Offenders Demonstration Project. This project will provide training for state and local juvenile justice and alternative system staff to enable them to design new programs and/or add components to existing programs to better meet the employment needs of serious juvenile offenders. The objectives of the project are to: (a) develop and implement community employment and training services where they do not exist or are not adequate to serve serious offenders in the targeted areas; (b) train selected personnel within state correctional facilities or probation departments to provide pre-employment skills and motivation to their clients; (c) develop partnerships with state and local employment training officials to support the operations of new or expanded community programs

for serious offenders and (d) begin the design and development of training materials for dissemination to other states in collaboration with NIJJDP.

5. TDSD awarded a grant to the National Youth Work Alliance (NYWA), to conduct a national training program for serious and violent offender youth workers. NYWA will conduct five intensive training workshops for approximately 150 administrators, youth workers, juvenile justice personnel and senior level staff persons who operate community-based programs for serious, violent and chronic offenders.
6. The TDSD awarded a grant to the University of Southern California (USC), to enable it through its Management Development Action Research and Training Model, to provide top and mid-level juvenile justice managers with the needed management development training, skills, and assessment techniques to meet the divergent needs of each individual manager, as well as the ever increasing requirements of the juvenile justice system. This program will address these needs through a methodology known as Management Development and Action Research and Training.

To achieve these goals and objectives, USC plans to conduct a series of four, five-day training programs for the target group. They will provide each participant with a set of readings on issues in organizational change, management development, action training and research process, and appropriate juvenile justice issues. The program approach involves four phases of distinct activities: (a) Phase I - Preliminary Planning for the Management Development Action Research and Training Model (MAGDART); (b) Phase II - Management Development and Action Research Training and Goals Setting; (c) Phase III - Technical Assistance (TA); and (d) Evaluation.

7. In FY 1982, TDSD awarded a grant to the Institute for Court Management (ICM), to conduct three Juvenile Justice Management Seminars relating to the serious and repetitive juvenile offenders and juvenile justice management. This training was conducted on a national basis for juvenile justice professionals. In FY 1983, TDSD will award a continuing grant to ICM to conduct five more seminars on a national basis for juvenile justice professional on management training, policy and program strategies relating to serious and repetitive juvenile offenders and juvenile justice and detention management.

The seminar entitled the Serious and Repetitive Juvenile Offenders: Police and Program Strategies will focus on a pre-seminar research assignment and a large planning exercise with debriefings, etc. It will also include statutory and case law development, methods for classifying youth and their offenses, i.e., legal, behavioral research, organizational theory and rehabilitation.

The Juvenile Justice Management Seminar will be a fifty hour residential experience, preceded by an extensive research immersion conducted by the participants, (which each session will have approximately 30 participants) in their local juvenile courts requiring approximately three days. This involves the tracking of forty delinquency and twenty status offense

youngsters, and the recording, tabulating, and analysis of decisions made at each processing stage, including the time frames between decision points. Certain annual local juvenile justice statistics are also collected which are utilized in the evaluation of the sixty case data. The more critical data from each of the courts are placed on a master data form by Institute staff for review and analysis by the participants at the seminar. This seminar will be presented twice.

In addition, ICM will develop a training manual for distribution.

- 8. TDSD awarded a grant to the American Correctional Association to provide training to institutions and community-based juveniles correction management personnel regarding internal monitoring procedures and ombudsman services. Among the topics addressed in the curriculum are a review of model programs and monitoring mechanisms relevant to national standards, methods of mediation and arbitration between and among correctional personnel, incarcerated juveniles, and outside agency personnel; and methods of investigation and report development as well as grievance and disciplinary procedures. This training is expected to result in improved care conditions and perceptions of juvenile corrections officials in residential settings.

The training will be provided on a state and regional basis in a series of six seminar settings. Each seminar will accommodate approximately 30 participants and will be two to three days in length.

- 9. TDSD also awarded a grant to the Commission on Accreditation for Corrections (CAC) to train juvenile corrections officials/administrators who manage community-based programs, detention centers, training schools and probation and aftercare programs, in the content and utility of national juvenile justice standards for improving their own systems operations. The training focuses on the goals of the Juvenile Justice and Delinquency Prevention Act and Strategies for Implementation of Standards.

This is the second phase of the training conducted by the Commission on Accreditation for Corrections which will have specific state/local focus. It is designed for state corrections administrators, program or facility directors and mid-level managers from various juvenile corrections programs. In addition, training personnel from state based training academies (where they exist) will be encouraged to attend. Intensive two day training sessions will be held for approximately 35-45 individuals in up to 10 states.

QUESTIONS SUBMITTED BY MR. PORTER

QUESTION:

I understand that you will not be requesting funding for the Juvenile Justice program for 1984. You mentioned in your statement that almost all of the states participating in the program have passed legislation or established policies which require deinstitution-

tionalization. Can you outline for the record which states have legislation on the books and which have established policies?

ANSWER:

The following are those states which require deinstitutionalization of status offenders (DSO) by legislation unless otherwise noted.

Alabama	Yes	Montana	No
Alaska	No*	Nebraska	No
Arizona	No	Nevada	No
Arkansas	Yes	New Hampshire	No*
California	Yes	New Jersey	Yes
Colorado	No*	New Mexico	Yes
Connecticut	Yes	New York	No
Delaware	Yes	North Carolina	Yes
District of Columbia	No	North Dakota	No
Florida	No*	Ohio	No
Georgia	No	Oklahoma	No*
Hawaii	No*	Oregon	No
Idaho	No*	Pennsylvania	Yes
Illinois	Yes	Rhode Island	Yes
Indiana	Yes	South Carolina	No
Iowa	Yes	South Dakota	Yes
Kansas	Yes	Tennessee	No
Kentucky	No	Texas	No
Louisiana	No	Utah	Yes
Maine	Yes	Vermont	No*
Maryland	Yes	Virginia	No
Massachusetts	Yes	Washington	Yes
Michigan	No*	West Virginia	Yes
Minnesota	Yes	Wisconsin	Yes
Mississippi	No	Wyoming	No
Missouri	No*		

Yes - DSO defined as in conformance with Federal Act, i.e., no detention in a secure facility over 24 hours and no placement in a secure correctional facility.

*These ten states were unable to respond to a telephone survey on short notice or could not be contacted at all. For these ten states, a 1980 report from the National Center for Juvenile Justice entitled "State Legislative Compliance with the JJDP Act; 1980 Statutes Analysis" was used.

QUESTION:

What in your view is the role of the Federal Government in addressing the problem of juvenile delinquency?

ANSWER:

The Federal Government's role in juvenile delinquency should be one of establishing and coordinating federal juvenile justice policy and providing leadership in the implementation of the most effective approaches and techniques in juvenile justice programming. It is important that we identify whether things can be done, through the Office of Juvenile Justice and Delinquency Prevention specif-

cally, and the Federal Government generally, which will improve the juvenile justice system and thus reduce the national problem of juvenile crime.

QUESTION:

What percentage of juveniles that commit crimes go on to adulthood and commit other offenses?

ANSWER:

Much of the concern over juvenile delinquency is based on the assumption that it is precursor to adult criminality.

The most prevalent pattern of delinquent behavior is one of declining seriousness and discontinuation after age 18. It is a small percentage of all juveniles (estimates range from 6 to 10 percent), the chronic delinquents, who continue to commit crimes as adults. Several longterm studies have shown that this small proportion of juveniles are likely to engage in crimes as adults. Research on approximately 10,000 males in Philadelphia showed that the likelihood of having an adult arrest record is about four times as great for those who were arrested as juveniles compared to those who were not arrested as juveniles. A similar longterm study in Racine, Wisconsin showed that 72 percent of youth who had 2 or more police contacts prior to age 18 had at least one more contact after age 18. Sixty-five percent of those who had five or more arrests as juveniles also had five or more arrests as adults.

Several studies of adult offenders have been conducted which include information on their juvenile records. More than 80 percent of chronic serious juvenile offenders committed to the California Youth Authority engaged in serious criminal activities as adults. A study based on 624 prison inmates in California revealed that respondents who committed a serious crime before age 16 and were chronically delinquent tended to commit more adult crime.

QUESTION:

What percentage of crimes committed by juveniles are drug related?

ANSWER:

The actual percentage of crimes committed nationwide by juveniles which are drug related cannot be accurately ascertained at present. Studies such as one conducted by the Rand Corporation (1982) indicate that many youth who self-reportedly are engaged in frequent violent crime and heavy drug use appear to have no official juvenile criminal records. In a recent assessment of Uniform Crime Report arrest trends between 1970 and 1980, juvenile (aged 10-17) arrest rates increased: 12 percent for drug violations; 53 percent for alcohol offenses; and 47 percent for driving while intoxicated.

Our understanding of how drug use correlates with other delinquent activity is largely informed by self-report studies. In a recent NIJJDP-sponsored national survey of delinquent behavior and drug use among American adolescents approximately 78 percent of all youth reported some drug use; 50 percent reported more than an

occasional (2 or 3 times a year) use of alcohol; and 6 percent reported extensive use of multiple and illicit drugs.

The study also revealed a clear association between frequency and number of drugs used and delinquency. Among youths who both use drugs and engage in delinquent behavior, the levels of delinquency are lowest among alcohol users, higher among alcohol and marijuana users, and highest among users of alcohol, marijuana, and other drugs. An assessment of the causal relationship between drug use and delinquency revealed several different patterns of delinquency among youth with the same drug use pattern. Involvement in delinquency prior to drug use was the most common pattern.

The hypothesis that involvement with drugs leads to other delinquent behavior does not appear to be accurate in all cases. Drug use and other delinquent behavior together comprise a more global category of "deviant" behavior. As evidenced by the 1981 student survey of the OJJDP Alternative Education Program, alcohol and/or drug use was related to vandalism, stealing, carrying a concealed weapon, engaging in gang fights, selling drugs, robbery, and breaking and entering.

Drug use appears to be one of many factors such as non-law-abiding peers, poor family relationships, lack of commitment to school and lack of belief in the law which contribute to youth involvement in both property and violent crime.

FRIDAY, MARCH 18, 1983.

FEDERAL BUREAU OF INVESTIGATION

WITNESSES

WILLIAM H. WEBSTER, DIRECTOR

WILLIAM LEE COLWELL, EXECUTIVE ASSISTANT DIRECTOR, ADMINISTRATION

WILLIAM A. BAYSE, ASSISTANT DIRECTOR, TECHNICAL SERVICES DIVISION

THOMAS A. HUGHES, INSPECTOR-DEPUTY ASSISTANT DIRECTOR, FINANCIAL MANAGEMENT BRANCH, ADMINISTRATIVE SERVICES DIVISION

KEVIN D. ROONEY, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION

Mr. SMITH. This morning we shall consider the fiscal year 1984 budget request for the Federal Bureau of Investigation. The request is \$1,055,690,000. This represents an increase of \$230,536,000 above the amount appropriated to date for fiscal year 1983.

We shall insert the justifications in support of this request at this point in the record.

[The justification materials follow:]

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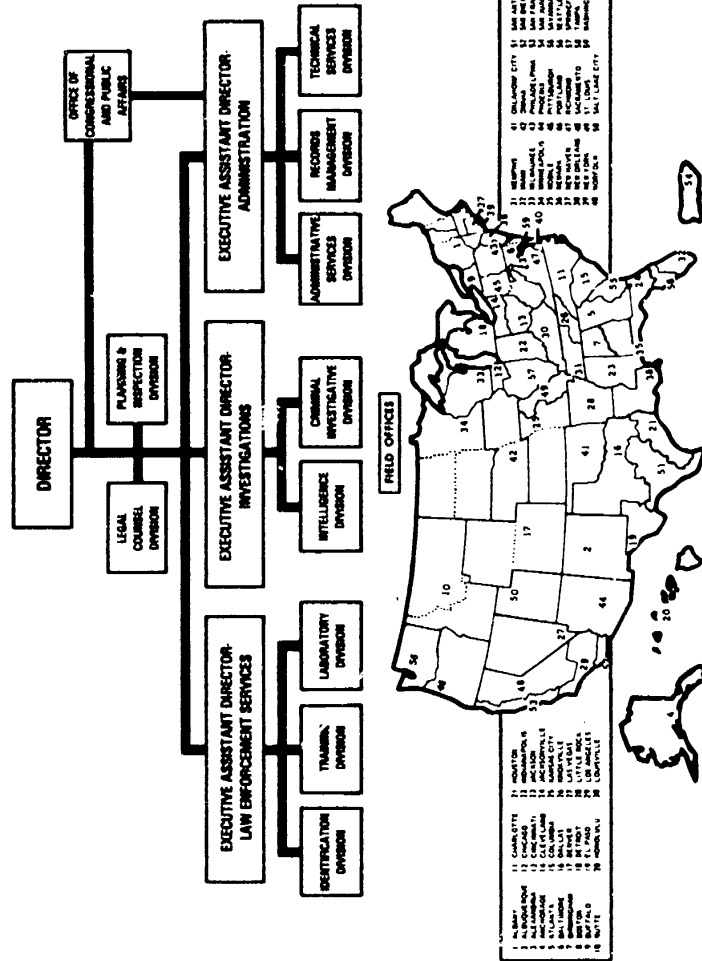
Department of Justice
Federal Bureau of Investigation
Estimates for Fiscal Year 1984
Table of Contents

<u>Item</u>	<u>Page Number</u>
Organization Chart.....	1
Summary Statement.....	2
Proposed Authorization Language.....	4
Proposed Appropriation Language.....	7
Crosswalk of 1983 Changes.....	8
Summary of Requirements.....	10
Summary of Resources by Program.....	11
Justification of Program and Performance:	
Criminal, Security, and Other Investigations.....	13
Investigative Support.....	27
State and Local Assistance.....	46
Program Direction.....	60
Priority Rankings.....	66
Detail of Permanent Positions by Category.....	67
Summary of Adjustments to Base.....	68
Justification of Adjustments to Base.....	69
Financial Analysis - Program Changes	74
Summary of Requirements by Grade and Object Class.....	75



U. S. Department of Justice
Federal Bureau of Investigation

Organization Of The FBI



Federal Bureau of Investigation

Salaries and expenses

Summary Statement

Fiscal Year 1984

The Federal Bureau of Investigation is requesting for 1984, a total of \$1,055,690,000, 19,940 permanent positions, and 19,438 workyears. This request represents an increase over 1983 appropriations of \$202,371,000, 461 positions, and 528 workyears. Of the \$202,371,000 increase in Budget Authority, \$31,819,000 is attributable to uncontrollable items including the October 1982 pay raise, Medicare costs, and the lifting of the pay cap.

The primary mission of the Federal Bureau of Investigation is to investigate violations of laws over which it has jurisdiction and to provide information relating to applicant and civil matters and the national security to the Executive Branch of the Federal Government. In addition, in 1984, the FBI will continue to play an integral role in support of the Attorney General's effort to disrupt drug trafficking controlled by various organized crime enterprises. This assistance is funded through a reimbursable arrangement with the Organized Crime Drug Enforcement program.

This request contains four budget activities incorporating eighteen programs. The budget activities are: Criminal, Security, and Other Investigations; Investigative Support; State and Local Assistance; and Program Direction. Resources previously requested in the Coordination of Investigations budget activity have been consolidated into the appropriate investigative programs within the Criminal, Security, and Other Investigations activity in an effort to portray more accurately the overall investigative costs associated with a specific program. The major initiatives and resource requests for 1984 for these activities and attendant programs are summarized below.

Criminal, Security, and Other Investigations:

This investigative activity represents 56.8 percent of the FBI's appropriation request for 1984. Some of the principal investigative programs of this activity are Organized Crime, White-Collar Crime, Terrorism, and Other Field Programs. In keeping with the desires of the President and the Attorney General, foreign counterintelligence, organized crime, terrorism, and white-collar crime, including political corruption, continue to be the areas in which the FBI places the largest amount of its resources and investigative talent, for within these areas is the greatest threat to the moral, economic, and domestic stability of the United States.

An increase of 446 positions, 433 workyears, and \$61,824,000 is requested in this activity over the 1983 levels. Justification for these additional resources is set forth in the "Special Analysis of Field Programs Exhibit."

Investigative Support:

The Investigative Support activity represents approximately 25.5 percent of the 1984 request. The programs in this activity are: Training; Forensic Services - Federal; ADP and Telecommunications; Legal Attaches; Records Management; and Technical Field Support and Equipment. This activity provides the training and "tools" necessary to meet the demands of the FBI's objectives. It includes the maintenance of all investigative records and the entire communications system of the FBI.

The substantial program increase in this activity represents the Administration's desire to equip the FBI with state-of-the-art communications and data processing technology. This effort will require 160 additional positions (154 workyears) and an increase of \$95,337,000 above the 1983 level. Primary enhancements in this activity are for voice privacy of FM radio communications in the Technical Field Support and Equipment Program and for the Field Office Information Management System (FOIMS) project within the Automated Data Processing and Telecommunications Program.

State and Local Assistance:

The FBI provides state and local law enforcement officials with training, laboratory, fingerprint identification, and information services. These services require approximately 13.2 percent of the requested funding. The following programs are in this activity: General Law Enforcement Training; Forensic Services - Non-Federal; Fingerprint Identification; and Criminal Justice Data and Statistics Services. These services are important to local and state law enforcement and as a result, Federal law enforcement receives valuable reciprocal services from local and state authorities. A fee system was instituted in 1983 to provide for the processing of fingerprint cards submitted by state and local applicant and licensing authorities under Public Law 92-544. For 1984, \$11,740,000 is requested in the Fingerprint Identification Program to begin phase three of the Automated Identification Division System. Commonly referred to as AIDS-III, this project will provide for the automation of the remaining manual functions of the identification process. At the completion of this implementation the turn-around time for processing a fingerprint card should be reduced from the current 11 days to less than one day. Because of progress already made in this automation project, 145 positions and 145 workyears will be deleted in the Fingerprint Identification Program.

Program Direction:

This activity consists of two programs; Executive Direction and Control and Administrative Services. These programs total approximately 4.5 percent of the 1984 request. Included are the executive direction, administration, legal, planning, inspection, and financial management functions of the FBI.

Federal Bureau of InvestigationProposed Authorization Language

The Federal Bureau of Investigation is requesting the following authorization language:

For the Federal Bureau of Investigation for its activities including -

- (A) expenses necessary for the detection and prosecution of crimes against the United States;
- (B) protection of the person of the President of the United States and the person of the Attorney General;
- (C) acquisition, collection, classification, and preservation of identification and other records and their exchange with, and for the official use of, the duly authorized officials of the Federal Government, of States, cities, and other institutions, such exchange to be subject to cancellation if dissemination is made outside the receiving departments or related agencies;
- (D) such other investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General;
- (E) purchase for police-type use without regard to the general purchase price limitation for the current fiscal year and hire of passenger motor vehicles;
- (F) acquisition, lease, maintenance, and operation of aircraft;
- (G) purchase of firearms and ammunition;
- (H) payment of rewards;
- (I) not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and to be accounted for solely on his certificate;
- (J) payment for travel and related expenses for immediate family members of employees, including costs of expenses incurred for specialized training and orientation in connection with a transfer to Puerto Rico, other territories and possessions of the United States, and assignment in a legal attache post outside the territory of the United States;
- (K) classification of arson as a Part I crime in its Uniform Crime Reports;

\$1,055,690,000, of which not to exceed \$52,000,000 for automated data processing and telecommunications and \$1,000,000 for undercover operations and \$10,000,000 for the relocation within the District of Columbia of the Washington Field Office shall remain available until September 30, 1985; Provided, that notwithstanding the provisions of title 31 U.S.C 483(a) and 484, the Director of the Federal Bureau of Investigation may establish and collect fees to process fingerprint identification records for noncriminal employment and licensing purposes, and credit not more than \$13,500,000 of such fees to this appropriation to be used for salaries and other expenses incurred in providing these services; none of the sums authorized by this Act for the Federal Bureau of Investigation shall be used to pay the compensation of any employee in the competitive service.

Sec. _____. (a) With respect to any undercover investigative operation of the Federal Bureau of Investigation which is necessary for the detection and prosecution of crimes against the United States or for the collection of foreign intelligence or counterintelligence--

- (1) sums authorized to be appropriated for the Federal Bureau of Investigation by this Act may be used to purchase property, buildings, or other facilities and to lease space within the United States, the District of Columbia, and the territories and possessions of the United States without regard to section 1341 of 31 U.S.C., section 3732 (a) of the Revised Statutes (41 U.S.C. 11 (a)), section 305 of the Act of June 30, 1949 (63 Stat. 396; 41 U.S.C. 255), the third undesignated paragraph under the heading "Miscellaneous" of the Act of March 3, 1877 (19 Stat. 370; 40 U.S.C. 34), section 3324 of 31 U.S.C., section 3741 of the Revised Statutes (41 U.S.C. 22), and subsections (a) and (c) of section 304 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 395; 41 U.S.C. 254 (a) and (c));
 - (2) sums authorized to be appropriated for the Federal Bureau of Investigation by this Act may be used to establish or to acquire proprietary corporations or business entities as part of an undercover operation, and to operate such corporations or business entities on a commercial basis, without regard to the provisions of section 304 of the Government Corporation Control Act (31 U.S.C. 9102);
 - (3) sums authorized to be appropriated for the Federal Bureau of Investigation by this Act, and the proceeds from such undercover operation, may be deposited in banks or other financial institutions without regard to the provisions of section 648 of title 18, United States Code, and section 3302 of 31 U.S.C. and
 - (4) the proceeds from such undercover operation may be used to offset necessary and reasonable expenses incurred in such operation without regard to the provisions of section 3302 of 31 U.S.C.
- only upon the written certification of the Director of the Federal Bureau of Investigation or his designee with prompt notification to the Attorney General or his designee thereafter that any action authorized by this section is necessary for the conduct of such undercover operation. Such certification shall continue for the duration of the undercover operation without regard to the fiscal years.
- (b) As soon as the net proceeds from an undercover investigative operation authorized under this section are no longer necessary for the conduct of such operation, such proceeds shall be deposited into the Treasury of the United States as miscellaneous receipts.
 - (c) If a corporation or business entity established or acquired as part of an undercover operation under paragraph (2) of subsection (a) with a net value of over \$50,000 is to be liquidated, sold, or otherwise disposed of, the Federal Bureau of Investigation, as much in advance as the Director or his designee determines is practicable, shall report the circumstances to the Attorney General and the Comptroller General. The proceeds of the liquidation, sale, or other disposition, after obligations are met, shall be deposited in the Treasury of the United States as miscellaneous receipts.
 - (d) (1) Upon completion of an undercover investigative operation authorized by this Section, and as soon as practicable, the Federal Bureau of Investigation shall conduct detailed financial audits of each closed undercover and --
 - (A) report the results of each audit in writing to the Department of Justice and
 - (B) report annually to the Congress concerning these audits.

- (2) For the purposes of paragraph (1), "undercover operation" means any undercover operation of the Federal Bureau of Investigation, other than a foreign counterintelligence undercover operation -

- (A) in which the gross receipts exceed \$150,000 and
- (B) which is exempted from section 3302 of 31 U.S.C. or section 304(a) of the Government Corporation Control Act (31 U.S.C. 9102).

Sec. (a) With respect to any investigative operation of the Federal Bureau of Investigation which is necessary for the detection and prosecution of crimes against the United States or for the collection of foreign intelligence or counterintelligence, the Director of the Federal Bureau of Investigation or his designee may, with the concurrence of the United States Attorney or his designee in criminal investigations or the Office of Intelligence Policy and Review in intelligence investigations upon a determination that a person may possess or have care, custody, or control of any books, papers, documents, or other objects, hereinafter, referred to as materials relevant to an investigation, issue in writing and cause to be served upon such person, a subpoena requiring such person to produce the materials. The subpoena shall-

- (1) describe the materials to be produced with sufficient clarity to enable the materials to be reasonably identified; and
 - (2) prescribe a return date that provides a reasonably sufficient period of time within which the material can be assembled and made available.
- (b) Enforcement: (1) If a person fails to comply with a subpoena served upon him pursuant to the provisions of this section, the Attorney General may file and serve upon the person a petition for an enforcement order. The petition shall be filed in a district court of the United States for the judicial district in which the subpoena originated.
- (2) Within ten days after the service of a subpoena upon a person, or at any time before the return date specified in the subpoena, whichever period is less, the person may file in a district court of the United States for the judicial district in which the subpoena originated a petition for an order modifying or setting aside the demand. The time allowed for compliance with the subpoena shall not run while the petition is pending in the court. The petition shall specify each ground upon which the petitioner relies in seeking relief.
- (3) A district court of the United States in which a petition is filed under this section has jurisdiction to hear and determine the matter so presented, and to enter such order as may be required to effectuate the provisions of this section.
- (c) Limitations: (1) No subpoena shall require the production of any materials, if such material would be protected from disclosure under the standards applicable to subpoenas or subpoenas duces tecum issued by a court of the United States in aid of a grand jury investigation;
- (2) Nothing in this section shall apply when records are sought by the Federal Bureau of Investigation under the Federal Rules of Civil Procedure or the Federal Rules of Criminal Procedure or comparable rules of other courts in connection with litigation to which the Government and the person to whom the records relate are parties.
- (3) Nothing in this section shall supersede the provisions of any other Federal statute that explicitly regulates access to records by Federal agencies.
- (d) The exclusive remedy available to a person grieved by a substantial violation of this Act shall be a cause of action against the United States to be filed in a district court of the United States.

Federal Bureau of Investigation

Salaries and expenses

Justification of Proposed Changes in Appropriation Language

The 1984 budget estimates include proposed changes in appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and expenses

For expenses necessary for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use (not to exceed one thousand three hundred for replacement only) and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely in his certificate: [\$825,154,000]; of which not to exceed [\$13,000,000] for automated data processing and telecommunications and [\$600,000] for undercover operations

\$1,055,690,000
\$12,000,000
\$1,067,690,000

shall remain available until September 30, [1984] : Provided, That notwithstanding the provisions of title 31 U.S.C. 483(a) and 484, the Director of the Federal Bureau of Investigation may establish and collect fees to process fingerprint identification records for non criminal employment and licensing purposes, and credit not more than \$13,500,000 of such fees to this appropriation to be used for salaries and other expenses incurred in providing these services: Provided further, That passenger motor vehicles for police-type use may be purchased without regard to the general purchase price limitation for the current fiscal year.

and \$10,000,000 for the relocation within the District of Columbia of the Washington Field Office

1985

Explanation of changes:

1. Two-year funding is requested for automatic data processing and telecommunications in the amount of \$52,000,000 to provide for procurement flexibility. Likewise, \$1,000,000 is requested to insure continuous and uninterrupted funding for any approved undercover projects which might overlap into a new fiscal year. This is similar to the 1983 request for two-year funding authority, \$3,000,000, and \$600,000, respectively, for these items.
2. The request for \$10,000,000 for the relocation of the Washington Field Office is explained in "Special Analysis of Field Programs Exhibit."

Federal Bureau of Investigation

Salaries and expenses

Crosswalk of 1983 Charges
(Dollars in thousands)

Activity/Program	1983 President's Budget Request			Congressional Appropriation Actions on			Reprogrammings			1983 Supplemental Requested			1983 Appropriation Anticipated		
	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.	Pay Raise	Pos.	WY	Pos.	WY	Amt.
1. Criminal, Security, and Other Investigations:															
a. Other Field Programs.....	6,424	6,238	\$273,683	259	246	\$7,589	42	41	\$4,604	\$11,270	6,725	6,525	6,725	6,525	\$237,146
b. Organized Crime.....	2,148	2,090	91,989	...	...	-255	...	...	-560	3,473	2,149	2,091	2,149	2,091	94,647
c. White-collar Crime.....	3,016	2,923	139,440	...	...	-376	...	...	-760	5,022	3,015	2,922	3,015	2,922	133,326
d. Terrorism.....	244	235	12,125	...	...	-54	...	...	-180	462	244	235	244	235	12,353
Subtotal.....	11,832	11,486	507,237	259	246	6,904	42	41	3,104	20,227	12,133	11,773	12,133	11,773	537,472
2. Investigative Support:															
a. Training.....	412	401	21,309	...	...	-48	-2	-2	-298	405	410	399	410	399	21,368
b. Forensic Services-Federal	320	309	14,606	...	...	-112	1	1	-22	404	321	310	321	310	14,876
c. ADP & Telecommunications.	401	389	51,370	...	...	-188	5	5	167	569	406	394	406	394	51,918
d. Legal Attaches.....	69	67	2,957	...	...	-6	...	...	972	97	69	67	69	67	4,020
e. Records Management.....	1,371	1,328	36,128	...	...	-269	-4	-4	-230	1,337	1,367	1,324	1,367	1,324	36,966
f. Technical Field Support & Equipment.....	141	137	49,308	...	...	-16	-46	-45	-5,277	228	95	92	95	92	44,243
Subtotal.....	2,714	2,631	175,678	...	...	-639	-46	-45	-4,688	3,040	2,688	2,586	2,688	2,586	173,391
3. State and Local Assistance:															
a. Gen. Law Enforcement	283	275	12,479	...	...	510	...	...	737	649	283	275	283	275	14,375
b. Forensic Services - Non-Federal.....	122	119	7,008	...	...	-60	...	...	-21	218	122	119	122	119	7,145
c. Fingerprint Identification.....	2,831	2,841	70,015	...	...	-354	...	...	-139	2,564	2,831	2,841	2,831	2,841	72,086
d. Criminal Justice Data & Statistics Services...	196	191	5,947	...	...	-75	1	1	900	190	197	192	197	192	6,962
Subtotal.....	3,432	3,426	95,449	...	...	21	1	1	1,477	3,621	3,433	3,427	3,433	3,427	100,568

Activity/Program	1983 President's Budget Request			Congressional Appropriation Actions on 1983 Request			Reprogrammings			1983 Supplemental Requested Pay Raise			1983 Appropriation Anticipated		
	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.
4. Program Direction:															
a. Executive Direction and Control.....	488	471	\$21,616	...	...	-\$110	-1	-1	\$55	487	470	\$22,329	487	470	\$22,329
b. Administrative Services..	754	650	19,202	...	...	-204	4	4	52	758	654	19,559	758	654	19,559
Subtotal.....	1,242	1,121	40,818	...	...	-314	3	3	107	1,245	1,124	41,888	1,245	1,124	41,888
Total.....	19,220*	18,664*	819,182	259	246	5,972	...	...	...	28,165	19,479	18,910	853,319		

Explanation of Analysis of Changes from 1983 Appropriation Request

Congressional Appropriations Actions

The Congress increased the General Law Enforcement Training by \$570,000 to provide additional training to state and local law enforcement officials. Additional resources were also provided for the FBI's highest priority field programs. Congress mandated that Standard Level User Charges (SLUC) be maintained at the 1982 levels through 1983, thus reducing the request by \$3,098,000.

Reprogrammings

These reprogrammings are the result of subject class dollar transfers and the reallocation of personnel compensation based on historical expenditures, the adjustment of resources based on the Time Utilization and Recordkeeping (TURK) reports, and functional transfers between and among programs.

Supplemental Requested

The pay request provides \$28,165,000 to meet increased pay requirements (Executive Order 12387 and the Executive level pay increase contained in P.L. 97-377, dated December 21, 1982) and Medicare costs.

*Reflects 1983 transfer of 172 positions and 86 workyears from the General Services Administration (GSA) to assume maintenance and security functions previously handled by GSA.

Federal Bureau of Investigation

Salaries and expenses

Summary of Requirements
(Dollars in thousands)

Adjustments to base:

	Permanent Positions	Work- Years	Amount
1983 as enacted.....	19,307	18,824	\$825,154
Transfer from GSA for building maintenance.....	172	86	...
Supplemental requested:			
1983 Pay supplemental requested.....	19,479	18,910	28,165
1983 appropriation anticipated.....	...	86	953,319
Uncontrollable increases.....	...	...	41,989
Decreases.....	19,479	18,996	-10,170
1984 base.....			885,138

1983 Appropriation

Estimates by Budget Activity	1982 Actual			1984 Base			FY 1984 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
1. Criminal, security, and other investigations....	11,961	11,271	\$485,670	12,133	11,773	\$559,154	12,579	12,206	\$599,296	446	433	\$40,142
2. Investigative support....	2,721	2,499	146,186	2,668	2,586	180,058	2,828	2,740	268,728	160	154	88,670
3. State and local assistance.....	3,703	3,449	90,543	3,433	3,427	98,073	3,288	3,282	139,813	-145	-145	41,740
4. Program direction.....	1,071	962	39,491	1,245	1,210	47,853	1,245	1,210	47,853	...	...	...
Total.....	19,456	18,181	761,890	19,479	18,910	885,138	19,940	19,138	1,055,690	461	442	170,552

83
84

Federal Bureau of Investigation

Summary of Resources by Program
(Dollars in thousands)

	1982 As Enacted			1982 Actual			1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease		
	Perm. Pos.	Work- Years	Amount	Perm. Pos.	Work- Years	Amount	Perm. Pos.	Work- Years	Amount	Perm. Pos.	Work- Years	Amount	Perm. Pos.	Work- Years	Amount	Perm. Pos.	Work- Years	Amount
Estimates by Program																		
Criminal, Security, and																		
Other Investigations:																		
Other Field Programs.....	6,444	6,258	\$259,259	6,422	6,052	\$260,953	6,725	6,525	\$297,146	6,725	6,525	\$308,934	7,146	6,934	\$348,246	421	409	\$39,312
Organized Crime.....	2,149	2,091	92,391	2,529	2,388	104,898	2,149	2,091	94,647	2,149	2,091	98,430	2,149	2,091	98,430	...	...	...
White-Collar Crime.....	3,110	3,017	123,964	2,824	2,654	112,268	3,015	2,922	133,326	3,015	2,922	138,843	3,015	2,922	138,843	...	...	...
Terrorism.....	244	235	11,399	186	177	7,551	244	235	12,353	244	235	12,947	269	259	13,777	25	24	830
Subtotal.....	11,947	11,601	486,013	11,961	11,271	485,670	12,133	11,773	537,472	12,133	11,773	559,154	12,579	12,206	599,296	446	433	40,142
Investigative Support:																		
Training.....	412	401	20,391	361	330	15,413	410	399	21,368	410	399	21,832	410	399	21,832	...	...	...
Forensic Services-Federal	321	310	15,056	288	259	12,975	321	310	14,876	321	310	15,415	321	310	15,415	...	...	...
ADP & Telecommunications	406	394	48,872	406	377	47,668	406	394	51,918	406	394	57,064	483	499	95,478	93	89	38,414
Legal Attaches.....	69	67	2,711	69	62	4,137	69	67	4,020	69	67	4,092	69	67	4,092	...	...	...
Records Management.....	1,460	1,417	35,845	1,460	1,340	33,988	1,367	1,324	36,966	1,367	1,324	38,209	1,367	1,324	38,209	...	...	...
Technical Field Support																		
& Equipment.....	137	133	27,216	137	131	32,005	95	92	44,243	95	92	43,446	162	157	93,702	67	65	50,256
Subtotal.....	2,805	2,722	150,091	2,721	2,499	146,186	2,668	2,586	173,391	2,668	2,586	180,058	2,828	2,740	268,728	160	154	88,670

Federal Bureau of Investigation

Summary of Resources by Program
(Dollars in thousands)

Estimates by Program	1982 As Enacted			1982 Actual			1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease	
	Perm. Pos.	Work- Years	Amount	Perm. Pos.	Work- Years	Amount	Perm. Pos.	Work- Years	Amount	Perm. Pos.	Work- Years	Amount	Perm. Pos.	Work- Years	Amount	Pos.	Years Amount
State and Local Assistance:																	
Gen. Law Enforcement Trng.	283	275	\$11,951	320	296	\$13,175	283	275	\$14,375	283	275	\$14,472	283	275	\$14,472	...	...
Forensic Serv.-Non-Federal	122	119	6,969	155	139	6,986	122	119	7,145	122	119	7,447	122	119	7,447	...	...
Fingerprint Ident.....	3,031	3,041	66,830	3,031	2,821	65,564	2,831	2,841	72,086	2,831	2,841	68,904	2,686	2,696	110,644	-145	\$41,740
Criminal Justice Data																	
& Statistics Services	197	192	5,511	197	193	4,818	197	192	6,962	197	192	7,250	197	192	7,250	...	...
Subtotal.....	3,633	3,627	91,261	3,703	3,449	90,543	3,433	3,427	100,568	3,433	3,427	98,073	3,288	3,282	139,813	-145	41,740
Program Direction:																	
Executive Direction																	
& Control.....	490	473	20,940	490	443	22,392	487	470	22,329	487	470	23,393	487	470	23,393	...	...
Administrative Services	581	563	18,704	581	519	17,099	758	654	19,559	758	740	24,460	758	740	24,460	...	...
Subtotal.....	1,071	1,036	39,644	1,071	962	39,491	1,245	1,124	41,888	1,245	1,210	47,853	1,245	1,210	47,853	...	...
Total.....	19,456	8,986	767,009	19,456	18,181	761,890	19,479	18,910	853,319	19,479	18,996	885,138	19,940	19,438	1,055,690	461	442 170,552
Other Workyears																	
Holiday.....	35			42				35					35			...	...
Overtime.....	1,707			1,632				1,718					1,737			19	
Total compensable workyears.....	20,728			19,855				20,663					21,210			461	

Federal Bureau of Investigation

Justification of Program and Performance

Activity Resource Summary
(Dollar in thousands)

Activity: Criminal, Security, and Other Investigations	1983 Appropriation Anticipated			1984 Base			1984 Estimate			Increase/Decrease		
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
Other Field Programs.....	6,725	6,525	\$297,146	6,725	6,525	\$308,934	7,146	6,934	\$348,246	421	409	\$39,312
Organized Crime.....	2,149	2,091	94,647	2,149	2,091	98,430	2,149	2,091	98,430	...	...	...
White-Collar Crime.....	3,015	2,922	133,326	3,015	2,922	138,843	3,015	2,922	138,843	...	...	...
Terrorism.....	244	235	12,353	244	235	12,947	269	259	13,777	25	24	830
Total.....	12,133	11,773	537,472	12,133	11,773	559,154	12,579	12,206	599,296	446	433	40,142

This budget activity includes resources for managing and coordinating field investigations and resources for all field investigative operations for the Federal Bureau of Investigations. The operations are conducted out of 59 field offices and more than 400 resident agencies located throughout the United States and Puerto Rico. Field offices are responsible for all investigations including the national priority law enforcement areas of organized crime, white-collar crime, foreign counterintelligence and terrorism.

Activity: Other Field Program.....	1983 Appropriation Anticipated			1984 Base			1984 Estimate			Increase/Decrease		
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
Other Field Program.....	6,725	6,525	\$297,146	6,725	6,525	\$308,934	7,146	6,934	\$348,246	421	409	\$39,312

Long-Range Goal: To reduce the incidence of various general criminal activities; conduct appropriate applicant, civil rights and fugitive investigations as directed by law and the Attorney General; and to counter within the United States the hostile operations of foreign intelligence officers, agents, and foreign terrorists.

Major Objectives:

To identify, penetrate, and neutralize intelligence operations and activities inimical to the United States.

To conduct thorough background investigations on a timely basis for The White House, the Department of Justice, certain Congressional committees, and other Federal agencies.

To investigate alleged violations of the various civil rights laws. Investigations are self-initiated and at the request of the Attorney General.

To provide assistance to the local and state law enforcement communities in the apprehension of escaped prisoners or fugitives who cross state lines to avoid arrest, with emphasis focused on priority matters involving crimes of violence, high property loss or destruction, and illicit narcotics trafficking.

To actively assist the various branches of the military by initiating fugitive investigations and effecting arrests of those who desert under aggravated circumstances.

To investigate cases involving crimes against persons and those property crimes which involve large losses of Federal funds, property, Government-owned weapons, or explosives.

To identify those individuals and organized criminal groups, such as commercial theft rings, burglary rings, and fences, responsible for the major violations of Federal property crime statutes.

To provide immediate investigative response to bank robbery and related forcible crimes against financial institutions with subsequent investigation conducted to identify, apprehend, and successfully prosecute individuals responsible for these offenses.

To implement planned response procedures to aircraft hijackings, coordinate interagency activities, establish negotiations, and, where circumstances dictate, initiate other appropriate tactical actions to successfully resolve aircraft hijacking incidents, obtain the safe release of passengers and crew members held hostage, and identify, apprehend, and prosecute individuals responsible for these offenses.

To institute necessary investigations to enable the safe and speedy release of kidnap victims and to identify, apprehend, and prosecute individuals responsible for these offenses.

To perform appropriate investigation to identify, apprehend, and prosecute individuals responsible for extortionate demands against individuals and businesses.

To provide investigative response to other pertinent violations of Federal Statute encompassed by the General Crimes Program and perform necessary follow-up investigation bringing cases to a logical and successful conclusion.

Base Program Description: This is the largest of the investigative programs in this budget activity. The program consists of a myriad of diverse investigative activities, including civil rights matters, applicant matters, state and local fugitives matters, personal crimes, property crimes, foreign counterintelligence matters, crimes on Indian reservations, and thefts of Government property.

The FBI receives notification of criminal violations from victims, other law enforcement agencies, confidential sources, and concerned citizens. The complaints, either written or oral, are assigned to special agents in the appropriate FBI field office. Some are immediately presented to a United States Attorney for prosecutive opinion. Others are investigated at the point of gathering necessary facts before presentation to a United States Attorney. Still others are investigated and the results of the investigation are reported to the Department of Justice pending further investigative or prosecutive determination. Those matters not prosecuted by the United States Attorney are referred to state and local law enforcement agencies where appropriate. Investigations are conducted primarily through interviews of victims, witnesses, and suspects by FBI special agents. Additional analysis and technical expertise are provided by staffs of the various investigative support units at FBI Headquarters.

Investigations of alleged violations of the civil rights laws are initiated upon receipt of instructions from the Department of Justice or self-initiated upon receipt of complaints from any source not known to be unreliable. These matters are expeditiously and thoroughly investigated to determine facts which will refute or substantiate the allegations. The scope of these investigations often includes, but is not limited to, reviewing and photographing voluminous records, locating and interviewing many witnesses, victims, and subjects. This sometimes necessitates the utilization of resources in several field divisions. Close coordination is essential at both the field and Headquarters level to insure all facets of the investigation are explored and resolved preparatory to initiation of prosecution.

Applicant matters are referred to the FBI by The White House, the Congress, the Department of Justice, and other Federal agencies. These matters are assigned to special agents for investigation usually on an expedite basis. Reports are prepared stating the facts developed and the comments of interviewees, and are forwarded to the requesting agency for decisions.

The General Crimes program addresses a wide range of criminal activities and problems through its four investigative components: General Property Crimes, Personal Crimes, General Government Crimes, and Fugitive program. General Property Crimes investigations are directed toward interstate thefts, interstate transportation of stolen goods and motor vehicles, and individuals and gangs involved in commercial theft and the fencing of stolen property. Personal Crimes investigations address a group of offenses which involve threatened or actual injury or loss of life. Among the Federal crimes included in this program are: bank robbery; kidnapping; extortion; crime aboard aircraft; and assaults on Federal officers, the President, members of Congress, and other high officials. General Government Crimes investigations focus on personnel and property crimes committed on United States Government property and Indian reservations and irregularities and crimes committed in Federal prisons. In the Fugitive program, direct and active assistance is given to local and state law enforcement agencies in locating and apprehending felons who cross state lines to avoid arrests, prosecution, or confinement. Investigative assistance is also given to the Drug Enforcement Administration (DEA) in locating and apprehending major narcotics fugitives.

A case management system is used to promote the most effective use of resources through the identification of priority investigative areas.

The initial investigation involves interviewing victims and witnesses and identifying and collecting items of evidentiary value for forensic examination. Subsequent investigations are performed to identify the perpetrators and to develop cases. As

Individual cases warrant, special investigative techniques are used to obtain more detailed information from victims and witnesses; corroborate source information; and to gather evidence to further direct investigative efforts and support prosecution. Criminal Informants are a key element in many successful General Crimes investigations and are considered a valued investigative resource. Undercover operations have succeeded in penetrating criminal hierarchies and established a connection between property crimes and organized crime. All undercover operations are conducted in accordance with guidelines promulgated by the Attorney General.

Cases are presented to the U.S. Attorney, where they are either accepted for prosecution or declined, depending upon the policies and guidelines of the U.S. Attorney and the quality and strength of the investigation. Declined cases can be closed by the FBI field office if all logical investigation is completed. Accepted cases are prepared for prosecution and further investigation is conducted as necessary. Arrest warrants are executed when approved. Prosecutive support is provided in terms of case preparations and court testimony. Upon conclusion of judicial proceedings against all subjects, cases are closed.

Accomplishments and Workload:

<u>Civil Rights, Applicant, and Other Investigations</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>Estimates</u> <u>1984</u>
Investigative Matters Received				
Reimbursable Applicant.....	15,073	13,806	13,000	13,000
Nonreimbursable Applicant.....	35,925	46,628	59,800	65,000
Other Investigations.....	8,329	8,013	8,000	8,000
Civil Rights.....	9,150	8,290	9,000	9,000
Total Investigative Matters Received.....	68,477	76,737	89,800	95,000
Investigative Matters Completed				
Reimbursable Applicant.....	15,855	13,984	12,996	13,000
Nonreimbursable Applicant.....	36,100	45,586	60,142	65,000
Other Investigations.....	8,277	7,747	8,230	8,000
Civil Rights.....	9,358	8,395	9,007	9,000
Total Investigative Matters Completed.....	69,590	75,722	90,375	95,000
<u>General Crimes</u>				
Origin Investigative Matters				
Pending from previous year.....	18,384	20,980	21,233	20,867
Origin Investigative Matters				
Received During Year.....	44,331	42,546	41,053	41,053
Total Origin Investigative				
Matters Pending.....	62,715	63,526	62,286	61,920

	Estimates	
	1983	1984
Arrests.....	3,353	4,200
Locates.....	1,009	1,536
Criminal Summonses.....	370	712
Complaints.....	3,683	3,920
Informations.....	588	643
True Bills of Indictment.....	4,242	4,994
Pre-Trial Diversions.....	184	158
Convictions-Federal Court.....	4,476	4,607
-Misdemeanor.....	514	384
-Felony.....	3,962	4,223
Convictions-Local Court	n/a	824
Fines (\$000).....	\$1,367	—
Recoveries (\$000).....	\$158,445	—
Potential Economic Losses		
Prevented (\$000).....	\$623,418	—
Origin Investigative Matters		
Closed.....	41,735	41,419
	42,293	41,177

Program Changes: Increases of 421 positions and \$39,312,000 are requested for 1984 for Other Field Programs. These increases are needed to enhance the FBI's ability in accomplishing its objectives in this critical area of responsibility. Detailed information regarding this program can be obtained from the "Special Analysis of Field Programs Exhibit."

With the addition of 188 support workyears, some of the routine investigative tasks currently handled by agents can be performed by nonagent personnel, making operations more cost effective.

The addition of 221 agent workyears will increase the direct investigative capabilities in this program. In recent years, investigative workyears in this area have declined to an alarmingly low level. This is because resources were needed elsewhere and Other Field Programs was the only program large enough to absorb diversion of personnel. The continued decline in resource allocation to Other Field Programs has caused the FBI to curtail some of its important investigative efforts.

Other increases in equipment and training resources will enable the Other Field Programs program to afford a more vigorous response to criminal and foreign threats against the citizens of our country.

1983 Appropriation Anticipated	1984 Base		1984 Estimate		Increase/Decrease	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
Organized Crime.....	2,149	2,091 \$94,647	2,149	2,091 \$98,430	2,149	2,091 \$98,430
				

Long-Range Goal: To reduce the incidence of organized criminal activity in American society through investigation on a systematic, coordinated, and sustained basis.

Major Objectives:

- To conduct imaginative, responsive, and effective investigations against organized criminal activity on a nationwide basis.
 - To obtain prosecution and convictions of members and associates of organized crime groups targeted for investigation utilizing established legal procedures.
 - To maintain a corps of high-quality informants and develop additional informants to penetrate the leadership, structure, operations, associates, and revenue sources of the organized crime groups operating in this country.
 - To continue implementation and maintenance of the Organized Crime Information System (OCIS) in 27 selected field divisions, nine major resident agencies, and the Legal Attache office in Rome, Italy, by the end of 1983.
 - To provide assistance to other Federal, state, and local law enforcement agencies relative to organized crime investigations in response to most requests.
 - To identify, investigate, and arrest, individuals who organize, direct, and finance high-level illegal drug trafficking enterprises; and to make full use of financial investigative techniques, and forfeiture actions, thereby enabling the Government to seize assets and profits derived from this drug-trafficking.
- Base Program Description:** The FBI's organized crime program is established and ranked in order of priorities, based on identification of existing problem areas. The following investigative priorities have been established: labor racketeering, infiltration of legitimate business, narcotics, loansharking, illegal gambling, pornography, and corruption engaged in by the organized criminal element. Based on FBI experience, these priorities are the areas of illicit activity which are the principal sources of revenue for organized criminal elements and which have the greatest adverse impact on our society; therefore, these priorities form the nucleus of the FBI's organized crime program investigative efforts.
- In order to insure maximum effectiveness and efficiency in the enforcement of criminal drug laws, on January 28, 1982, the Attorney General delegated to the FBI concurrent jurisdiction with the DEA to investigate violations of the Controlled Substance Act.
- Investigations targeted against the organized criminal element are conducted utilizing investigative techniques and resources available, as applicable to the particular criminal activity and to the scope and type of investigation. Before committing extensive resources to an investigation, the scope, magnitude, and direction of the investigation are usually discussed with appropriate Government attorneys to insure the investigative target will, if successfully investigated, have sufficient

prosecutorial merit and impact. Once adequate resources and applicable techniques have been employed to achieve desired results in a targeted investigation, the investigation continues until evidence to substantiate prosecution is obtained within the parameters and scope of the investigation.

Examples of the variety of investigative techniques utilized by the FBI in conducting organized crime investigations are electronic surveillance, undercover operations, aerial surveillance, extensive record reviews and analyses, and interviews of cooperative witnesses and victims. Another technique, one of the most effective, is the use of informants to penetrate organized criminal groups, to provide information assisting the thrust of investigative activity and to identify otherwise undetected violations.

To assist the FBI in its efforts to investigate organized criminal activity, the development of the OCIS was begun during fiscal year 1979. The primary objective of the system is to improve the FBI's ability to effectively collect, analyze, and use large quantities of relevant investigative data in obtaining successful prosecution of organized crime subjects.

Accomplishments and Workload: Accomplishments of the Organized Crime Program are presented in the following table:

Item	Estimates		
	1981	1982	1983 1984
Investigative matters received.....	14,121	17,407	21,500 25,000
Investigative matters carried over.....	6,071	5,900	7,375 11,075
Total investigative matters.....	20,192	23,307	28,875 36,075
Investigative matters closed.....	14,297	15,932	17,800 20,000
Organized Crime Informants operated.....	1,413	1,766	1,854 1,947
Convictions.....	515	763	801 841
Traditional OC member/associates convicted or pending trial.....	185	581	610 641
Field Division OCIS implementation.....	17	23	28 33

During 1982 numerous successes were achieved in the fight against organized crime as a result of the highly successful and selective utilization of three major investigative techniques, i.e., informants, undercover operations, and Title III electronic surveillances. In 1982, 763 convictions were obtained in organized crime investigative matters. These convictions consisted of 79 in labor racketeering matters; 69 in corruption matters; 37 in the area of infiltration of legitimate business by organized crime elements; 38 in loansharking investigations; 82 in gambling matters; 132 in organized crime major impact matters, such as prostitution, arson-for-profit, pornography, and gangland slayings; and 326 in narcotics matters. Of these convictions, 277 were syndicate members and/or associates, with 304 syndicate members/associates awaiting prosecution at the end of 1982. Included among those convicted or pending trial are several of the most widely known and powerful organized crime figures in the United States including the leaders and high-level members of the Kansas City, New Orleans, Los Angeles, Cleveland, Chicago, Tampa, Philadelphia, Detroit, Boston, Milwaukee, and New York traditional organized crime "families." In addition, \$6,791,900 in fines, \$112,499,665 in recoveries, and \$16,074,744 in Potential Economic Loss Prevented (PELP) were achieved as a result of investigative efforts expended in the organized crime program during 1982.

On January 28, 1982, the Attorney General delegated to the FBI concurrent jurisdiction with the Drug Enforcement Administration (DEA) to investigate violations of the Controlled Substances Act. During 1982 the FBI had 29 initial Title III Elsur installations in narcotics cases, 12 of which were extended for a total of 41 applications. Of this total, 23 applications

were for joint FBI/DEA investigations. The number of FBI narcotics investigations has grown steadily from under 100 cases prior to January 1982, to more than 1,100 as of January 1983. FBI/DEA joint investigations total 310 at this time.

On April 1, 1982, a Federal Grand Jury in Camden, New Jersey, indicted Ralph Samuel Natale and Frank John Vadino charging violations relative to Federal Narcotics Statutes. This investigation targeted LCN control of manufacturing and distribution of methamphetamine in the Philadelphia and south New Jersey areas, and has resulted in Federal indictments of 38 subjects, including Raymond Martorano, a powerful LCN member and two LCN associates. A total of \$38,000 in cash, \$280,000 in methamphetamines, and a quantity of chemical PCP which could have been used to manufacture \$8.5 million worth of methamphetamines was seized.

On April 6, 1982, Frank Lee Usher, a Detroit, Michigan narcotics trafficker who headed a major black heroin operation, and believed responsible for at least 25 drug-related murders, was sentenced in U. S. District Court to 13 years for violation of Title 21, U. S. Code, Section 848 (Continuing Criminal Enterprise). This sentence is to run consecutive to a January 28, 1982, FBI conviction for violation of Title 18, U. S. Code, Sections 922 and 924 (Firearms Violations). Usher was also fined \$100,000. Also sentenced were two of Usher's associates.

As a result of a joint FBI/DEA investigation targeting Richard David Blackmore's narcotics smuggling activities, which entailed the smuggling of boat loads of marijuana between Colombia, South America, and the Southeastern United States, 15 individuals were convicted in the U. S. District Court, Southern District of Florida, for violations of Title 21, and Title 18 Statutes. Eight subjects entered guilty pleas prior to the April 19, 1982, trial and seven were convicted on April 25, 1982, following trial.

On May 8, 1982, FBI Miami, in a joint investigation with DEA, conducted a search of the "Nordic Prince", a Norwegian Caribbean Liner. This search, resulted in the seizure of 62 pounds of 90% pure cocaine with a street value of seven million dollars.

On June 4, 1982, the Miami Division, in conjunction with DEA, executed search warrants on two residences being utilized as laboratories in a massive quaalude manufacturing and distribution operation. Three million methaqualone, plus powder ingredients for 20 million additional tablets were seized. Street value of the seized powder and pills is in excess of 100 million dollars. In addition, 10 subjects were arrested. This seizure has been characterized by the news media as the largest quaalude pill and factory seizure in the history of the United States.

As a result of an FBI investigation, 40 tons of marijuana valued at 32 million dollars was seized by the U. S. Coast Guard on June 5, 1982, off the coast of North Carolina.

	1983 Appropriation		1984 Base		1984 Estimate		Increase/Decrease	
	Perm.	WY Amount	Perm.	WY Amount	Perm.	WY Amount	Perm.	WY Amount
White-Collar Crime.....	3,015	2,922 \$133,326	3,015	2,922 \$138,843	3,015	2,922 \$138,843	...	.. ....

Long-Range Goal: To reduce losses in government programs, private sector businesses, and labor unions from corruption, frauds, and embezzlements; and to provide investigative assistance to the Department of Justice and United States Attorneys throughout the United States in civil and antitrust matters.

Major Objectives:

To maintain, in the FBI's field offices, an expertise in the mechanics of all fraudulent and illegal practices employed in the government and private sector financial environments.

To develop and maintain a readily accessible information base on the identity and current activities of con men operating in the United States.

To investigate and obtain prosecution in all Fraud Against the Government cases involving illegal practices by program management officials and individuals or entities doing business with or for the Government.

To identify, investigate, and obtain prosecution in all Federal, state, and local public corruption violations involving systematic corruption by executive and management level officials.

To identify, investigate, and obtain prosecution in fraud and embezzlement violations within the financial community which meet the prosecutive criteria established by United States Attorneys throughout the country.

To investigate and obtain prosecution in all labor union pension fund embezzlements, high impact toxic waste dumping, and consumer-related energy fraud matters.

To assist other Federal law enforcement agencies and state and local law enforcement agencies in white-collar crime investigations.

To support the Antitrust Division of the Department of Justice in the enforcement of antitrust statutes by conducting necessary investigations.

To support the Civil Division of the Department of Justice and United States Attorneys throughout the country in their efforts to support the Government's interest in various civil statutes.

To insure appropriate program management that provides sufficient coordination, direction, and investigative support in the furtherance of the precise identification of priority criminal problem areas and the efficient utilization of resources.

Base Program Description: The methodology of accomplishing the major objectives of the FBI's white-collar crime program is very complex and varies as to the nature of the allegation and the case. The FBI receives allegations and information regarding possible white-collar crime violations from a variety of sources. Using prosecutive guidelines, relative priorities, and judgment as to the impact on society, the allegation is reviewed by the appropriate field office supervisor in charge of white-collar crime matters and a determination is made as to whether the allegation or information is sufficient to predicate investigation by the FBI or referral to another agency for handling. If the case is opened, it is then assigned to an FBI Special Agent who conducts an investigation to either substantiate or refute the allegation. The investigation is coordinated with the United States Attorney's (USA) office and the USA is frequently requested to furnish a preliminary prosecutive opinion prior to initiating an investigation in certain white-collar crime matters.

The investigative procedures include a variety of techniques to reach the logical conclusion of the case. These techniques include interviews of witnesses and subjects, manual review of records, the use of computers to analyze and collate large volumes of records, authorized wire taps, undercover operations, and physical surveillance. These investigations include the searching for and collection of physical evidence and the collection of intelligence data from informants and/or state and local law enforcement agencies.

If the investigative results appear to the agent to support prosecution, the case is presented to the United States Attorney. The case is either accepted for prosecution or declined, depending upon its merits and the United States Attorney's policies and guidelines. Every effort is made to identify those cases not suitable for prosecution at the earliest stage of investigation. The agent supports resulting prosecutions by providing further investigation as needed and testifying during trials.

Direct investigative activity is the principal procedure employed in antitrust and civil matters in order to collect testimony and physical evidence. Special Agent Accountants are utilized to conduct audits of books and records of parties involved. Results are provided to the Department of Justice and/or United States Attorneys for prosecutive consideration and possible litigation. Special Agent's in Charge (SACs) and other supervisory officials in their offices review and direct investigations of major interest. The White-Collar Crimes Section of FBI Headquarters monitors and coordinates those cases involving multiple violations in several field locations and reviews applications of costly and sophisticated investigative techniques.

Accomplishments and Workload: The accomplishments of the White-Collar, Antitrust and Civil programs are presented in the following table:

Item	Estimates		
	1981	1982	1983
<u>Investigative Matters:</u>			
Pending beginning of year.....	23,049	24,543	23,826
Received.....	63,800	58,048	62,693
Resolved.....	62,279	58,965	60,010
Convictions.....	3,667	4,066	3,890
Pre-trial Divisions.....	490	465	3,480
Fines (\$000).....	\$35,940	\$27,209	\$31,005
Recoveries (\$000).....	\$185,593	\$253,492	\$244,035
Potential Economic Loss Prevented (\$000,000).....	\$1,858	\$2,732	\$2,634
Claims against the Government (\$000)			
Filed.....	\$978,385	\$156,425	\$500,000
Settled.....	\$24,693	\$15,160	\$45,000
Claims by the Government (\$000)			
Filed.....	\$12,100	\$71,595	\$50,000
Settled.....	\$6,443	\$22,899	\$17,000

White-collar crimes are categorized by characteristic peculiarities in their criminal activities and their respective victims; specifically, governmental fraud, public corruption and financial crimes. In 1982, FBI white-collar crime investigations produced 4,066 convictions, 465 pre-trial diversions, over \$253 million in recoveries, and fines exceeding 7 million dollars. Additionally, approximately 2.7 billion dollars in economic losses were prevented through the removal of counterfeit or bogus certificates of deposit, bonds, stocks, gold certificates, and other financial instruments from circulation in the American economy.

Governmental fraud and bribery investigations, the top priority of the program, were predominantly in the 13 Departments and 57 Agencies of the Executive Branch of the Government. These complex and time-consuming investigations resulted in 790 convictions (80 of these convictions are Bribery cases which are included here and again in Public Corruption Matters) in 1982. Recent accomplishments achieved in the Governmental Fraud program include one case where the New York Division of the FBI, with the cooperation of the Department of Education and the Immigration and Naturalization Service, investigated a sophisticated scheme in which the U.S. Government, U.S. banks and merchants were defrauded by a group of illegal aliens purporting to be college students. The "students," mostly Nigerian nationals, exploited student loan programs by falsely claiming U.S. citizenship. Of the 52 individuals identified in this case to date, 31 have been charged with defrauding the U.S. Government, forgery, and/or immigration violations.

In criminal investigative matters, the FBI is responsible for developing sufficient evidence to prove or disprove allegations of criminal wrongdoing. The exercise of that responsibility is particularly critical in public corruption cases because of the sensitivity of the investigations, and because of the high visibility of the subjects of these matters. As an example, during 1982, a former Congressional page alleged that he had engaged in several homosexual affairs with members of Congress. The FBI's probe into those allegations failed to develop any evidence to substantiate those charges. Furthermore, the former page ultimately admitted that he had concocted the story.

During 1982, 367 convictions were obtained from investigations of public corruption matters. These convictions compare favorably to 1981 when 220 public corruption convictions were recorded. As examples of long-term corruption investigations, the continuing probe involving corruption in the State of Oklahoma County Commissioner system and the investigation of the Cook County, Illinois, Board of Tax Appeal are cited. In the Oklahoma investigation, to date, 187 convictions and/or plea agreements have been recorded. Several other convictions are anticipated. The Cook County Board of Tax Appeal investigation involves a pattern of wholesale corruption and has, thus far, resulted in the conviction of eighteen public officials and attorneys who had engineered fraudulent tax assessment reductions of \$150 million and had received kickbacks exceeding \$1 million.

Ingenious variations coupled with the usual approaches to fraud and embezzlement in the financial community are the basis of the majority of white-collar crime matters. Of the 3,122 convictions in the financial crimes area in 1982, 2,036 involved bank-related violations. Individual bank losses to fraud and embezzlement ranged up to \$30 million and in a single investment fraud in Miami, Florida, the loss to investors exceeded \$50 million. During 1982, undercover operations have proven effective and efficient in financial crime investigations. Over one billion dollars worth of counterfeit bonds, stocks, precious metal certificates, certificates of deposit, and letters of credit have been removed from circulation as the result of two undercover operations. Other noteworthy results obtained in 1982 include the arrest and indictment of three independent international swindlers who have operated offshore shell banks with impunity for the past ten years. Investigation of an advance fee scheme involving 150 potential victims and total fees of \$600,000 resulted in 14 indictments.

Investigation of labor-management related criminal conduct yielded 53 convictions during 1982. These investigations usually involve theft or misuse of pension and welfare funds.

Some high impact white-collar crime matters affect one or more of the sub-divisions of the White-Collar Crime Program. These matters are investigated under the Racketeering Influenced and Corrupt Organizations Statute and are grouped separately. This grouping of other white-collar crime matters account for 147 convictions in 1982.

In 1982, fines and recoveries in the White-Collar Crime Program totaled over 280 million dollars and exceed the cost of investigative workyears (\$52.6 million) by a factor of five.

The Antitrust and Civil Matters Program during 1982, recorded 132 individuals who were either found guilty, or pled guilty, as a result of evidence uncovered through FBI investigation. In addition, \$19,372,500 in fines were imposed, recoveries with a value of \$4,114,779 were made, and \$4,368,945 in potential economic losses were prevented. Finally, \$112,368,440 in claims against the Federal Government were settled for \$11,494,690, while suits filed by the Federal Government for \$48,334,119 were settled for \$6,133,395.

	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease		
	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount
Terrorism.....	244	235	\$12,353	244	235	\$12,947	269	259	\$13,777	25	24	\$830

Long-Range Goal: The goal of this program is to prevent terrorist activity in the United States.

Major Objectives:

Identify the violent domestic terrorist groups and their members and investigate these groups/individuals before and after they perpetrate terrorist acts.

Combat domestic terrorism by aggressively investigating known terrorist groups and their members under the Attorney General's Domestic Security Guidelines and by rapidly and continuously investigating violations of Federal statutes perpetrated by domestic and foreign based groups.

Conduct appropriate investigation of alleged mishandling, unauthorized disclosure, or compromise of classified information which is not foreign directed.

Promptly report to the Department of Justice and other agencies all incidents of civil unrest and, when directed, actively investigate them.

Continued development of quality informants to assist in both the preventive and reactive phases of terrorist investigations.

Disseminate to other agencies, both Federal and local, pertinent information relevant to terrorist groups, incidents, and investigations.

Develop the capability of tracing the complex relationships between terrorist groups, members of the groups, incidents committed, types of weapons used, etc., by collating all current investigative information and intelligence data received from other government agencies. By building on this collation of information, develop the capability to display trends in terrorism and to make accurate projections and assessments concerning the terrorist threat.

Fully staff a Hostage Rescue Team in Washington, D. C., to respond to high-risk terrorist and non-terrorist hostage barricade situations throughout the United States.

Base Program Description: The diverse nature of the incidents perpetrated by terrorist groups and the absence of any specific Federal statute addressing such incidents require that the domestic groups are investigated in two ways:

The first and most common way domestic terrorist groups and their members are investigated is under the Attorney General's Guidelines for Domestic Security Investigations. These cases are closely scrutinized by FBI Headquarters personnel to insure they meet the Domestic Security Guidelines.

During 1982, full investigations of domestic groups and individuals have been coordinated with friendly foreign governments such as Australia, England, Canada, and Germany, when their governments had an interest. This liaison has caused a flow of information from these countries that has assisted the FBI field offices in their investigation of the groups.

The second way domestic terrorist groups are investigated is under the specific criminal statute violated by the group, or members of the group, when involved in such illegal activities as bombings, murders, kidnappings, attacks on foreign officials, or nuclear extortion. These cases are aggressively pursued using all necessary resources.

Contingency plans have been prepared in each FBI field office to enable the FBI to respond and actively investigate any type of terrorist act committed.

The matters concerning mishandling, unauthorized disclosure, or compromise of information, because of the extremely sensitive nature of the information that is involved, are assigned to agents who are fully cognizant of the requirements of FBI Headquarters regulations and Department of Justice Guidelines.

The majority of FBI field offices have a Special Weapons and Tactics (SWAT) capability, which is staffed by specially trained agents. However, this is a part-time assignment and the capability is limited due to training time and other work commitments.

Accomplishments and Workload: As the result of a RICO-Terrorism investigation, ten members of the Croatian National Resistance (CNR) were arrested and indicted on a variety of Federal charges. Nine of these arrested were apprehended by the FBI in various cities throughout the United States and one was arrested by Canadian authorities in Ontario. The ten were accused of at least two murders and several murder, arson, and bombing conspiracies. The targets of these actions were representatives of the Yugoslavian Government, or individuals of Croatian origin who refused to make extortion payments, or who publicly opposed the use of violence to win independence for Croatia. In May of 1982 six of these individuals were convicted and sentenced to 15 to 40 years in prison; the remaining four were acquitted.

Armando Santana, the leader of the Cuban Nationalist Movement (CNM) in the United States, was convicted and sentenced for both local and Federal violations in April of 1982. Santana was sentenced to eighteen months by the New Jersey State Court for a firearms violation and possession of a controlled substance. He was also sentenced to two years by the United States District Court in San Juan, Puerto Rico, for a passport violation.

Three members of the Armenian Secret Army for the Liberation of Armenia (ASALA) were arrested on May 30, 1982, and indicted for attempting to bomb the Air Canada cargo entry area at Los Angeles, California, International Airport after being observed placing the device by an FBI surveillance team.

Hampin Sassounian, a member of the Justice Commandos of the Armenian Genocide (JCAO), was arrested for the January 28, 1982, assassination of the Turkish Consul General, Kemal Arlikan, in Los Angeles, California. Another suspect remains a fugitive.

On October 22, 1982, five members of the JCAO were arrested for their involvement in the acquisition and construction of an explosive device, and its transportation on a commercial aircraft. These arrests mark the first time members of the JCAO have been arrested before a terrorist act was committed.

On November 29, 1982, a Jordanian citizen operating in the United States on behalf of the Palestine Liberation Organization pled guilty to charges stemming from his placement of a quantity of high explosives and detonators into a rented storage space in Alexandria, Virginia.

Albert C. Hawkins, an operative for the PLO in the United States, was arrested and convicted for weapons violations because of his activities in the United States in support of the PLO.

In January of 1982, eight Haitian exiles were arrested by the FBI for attempting to stage an invasion of Haiti to overthrow the Duvalier regime. The leader and seven other individuals were convicted of Neutrality violations. In March of 1982, 16 other Haitian exiles were arrested by the FBI for violation of United States Neutrality laws; twelve pled guilty. In November of 1982, the group leader was convicted in Federal court.

On November 17, 1982, former CIA agent Edwin P. Wilson was convicted on several charges related to his involvement in supplying military arms, equipment, and expertise to the Government of Libya. On July 19, 1982, Wilson and two other men were indicted for conspiracy to smuggle 40,000 pounds of military controlled plastic explosives to Libya.

In a major breakthrough in the investigation of anti-Castro Cuban terrorism, a highly placed member of Omega Seven provided information which led to the arrest, in October, 1982, of four Omega Seven members for possession and transportation of explosives.

Accomplishments and Workload: The workload indicators of the Domestic Terrorism Program are presented in the following table:

Item	1981	1982	Estimated	
			1983	1984
Investigative Matters				
(Including Informants).....	5,048	5,483	6,000	6,000
Priority.....	3,130	3,522	3,900	3,900
Non-Priority.....	1,918	1,961	2,100	2,100
Bombings-actual or				
attempted.....	958	824	900	900
Terrorist-related				
bombings.....	33	37	40	40
Injuries; bomb related.....	117	74	100	100
Deaths; bomb related.....	27	12	20	20

Item 1981 1982 Estimated 1983 1984

Property damage bomb
related (\$000)

\$61,000 \$110,000 \$100,000 \$100,000

Program Change: The Terrorism Program is requesting an additional 25 positions and \$830,000 to fully staff a Hostage Rescue Team (HRT).

The purpose of the Hostage Rescue Team at the Washington Field Office is to develop a cohesive unit able to respond to highly sophisticated hostage situations. The Hostage Rescue Team provides to the President and the Attorney General a law enforcement alternative to the use of a military group for the resolution of a Domestic Incident. Special events such as world fairs, expositions, Olympic Games and political conventions present possible targets for Domestic and Foreign terrorist groups. In connection with the FBI's new responsibilities in narcotics matters, the team may be called upon to assist in the interdiction of drugs being brought into the U.S. by heavily armed groups landing in remote areas. The personnel assigned to the unit must train together, know each other and develop strategies to meet any situation. It is not possible to develop the necessary cohesiveness by assembling a group made up of individuals who have not worked together. The necessary resources to meet the potential threat of terrorists must be committed.

All individuals selected for the FBI Hostage Rescue Team commence an intense training program at the FBI Academy. Following training, these Special Agents (SAs) divide their time equally between investigative duties and assignments and training to retain perishable skills necessary for a hostage rescue mission. In addition, the Hostage Rescue Team serves as the Special Weapons and Tactics (SWAT) team for the Washington Field Office, discharging normal SWAT responsibilities. The Hostage Rescue Team substantially exceeds the capabilities of the normal SWAT team in the areas of communication, command control and in the use of sophisticated electronics equipment. It also develops a higher degree of expertise in the handling of explosive devices for breaching and diversionary tactics purposes. The program is cost-effective. Agents spend fifty percent of their time working on investigations; the remaining time is spent on improving their ability to respond to serious terrorist incidents.

Activity: Investigative Support	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease		
	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount
Training.....	410	399	\$21,368	410	399	\$21,832	410	399	\$21,832	...	...	...
Forensic Services - Federal.....	321	310	14,876	321	310	15,415	321	310	15,415	...	...	...
ADP and Telecommunications.....	406	394	51,918	406	394	57,064	499	483	95,478	93	89	\$38,414
Legal Attache.....	69	67	4,020	69	67	4,092	69	67	4,092	...	...	...
Records Management.....	1,367	1,324	36,966	1,367	1,324	38,209	1,367	1,324	38,209	...	...	...
Technical Field Support & Equip.....	95	92	44,243	95	92	43,446	162	157	83,702	67	65	50,256
Total.....	2,668	2,586	173,391	2,668	2,586	180,558	2,828	2,740	268,728	160	154	88,670

Investigative support is provided through training, forensic laboratory examination and research, attaches in foreign countries, efficient management of investigative and administrative records, automatic data processing and telecommunications management and maintenance, and technical field support and equipment supply.

1983 Appropriation Anticipated	1984 Base		1984 Estimate		Increase/Decrease	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
Training.....	410	399 \$21,368	410	399 \$21,832	...	...

Long-Range Goal: To provide the initial training and the continued professional development of FBI Special Agents and certain support personnel to insure that they are prepared to carry out their responsibilities in an efficient and effective manner and in compliance with the law and Government regulations.

To evaluate through research the methods, techniques, and equipment which may enhance the FBI's ability to perform its law enforcement mission.

To maintain and improve the land, buildings, equipment, furnishings, and fixtures which make up the FBI Academy complex in a manner consistent with and conducive to an effective, efficient, safe, and healthy learning and living environment.

Major Objectives:

Provide the highest level of training for new agents to insure that their knowledge and skills are developed to enable them to discharge their complex responsibilities in a professional manner and provide follow-up training and assessment during the probationary period.

Afford in-service training at the FBI Academy and in the field for FBI Special Agents and selected support personnel, enabling them to investigate complex high-priority matters such as white-collar crime, organized crime, foreign counterintelligence, and other FBI cases in the most professional and cost-effective manner.

Improve, through management programs, the ability of mid- and upper-level FBI managers to more effectively carry out their increasingly complicated responsibilities, and provide for job enrichment and career development opportunities for selected support personnel.

Conduct necessary research and evaluation, and provide direct field support and program assessment to enhance the major training objectives cited above.

Maintain and improve the land, buildings, equipment, furnishings, and fixtures which constitute the FBI Academy complex and specifically expand the development of the Practical Problem Training Complex.

Base Program Description:

New Agents Training Program: After being accepted as a special agent trainee, the period of instruction at the FBI Academy encompasses, but is not limited to, the following major topics over a 15-week period: substantive statutory violations,

national security matters, basic law enforcement and forensic skills, behavioral science, legal instruction, communications, administration, firearms, arrest techniques, professional conduct, and ethics.

In-Service Training and Direct Field Support Programs: Special agents are periodically brought back to the FBI Academy for instruction in specialized areas based upon the investigative needs and priorities of the FBI. Specialized training is also afforded by FBI Academy instructors and FBI Headquarters personnel in field offices if this method is more cost-effective or responds to the particular needs of a specific field office. In addition, direct field support is afforded by FBI Academy instructors in such highly sophisticated and technical areas as hypnotic interview, psycholinguistics, and psychological criminal analysis.

Research, Faculty Development and Liaison: Currently, a limited number of FBI Academy faculty members and field instructors are pursuing graduate study in job-related areas at various colleges and universities when instructional and investigative duties permit. In addition, ongoing faculty exchange programs exist between FBI Academy personnel and the British and Canadian Police Colleges. Academy instructors attend symposia, seminars and schools, and participate in other relevant educational experiences when possible. The faculty also maintains liaison with selected foreign law enforcement agencies and several foreign and U.S. military counter-terrorist units for exchange of training information and equipment.

Maintenance and Improvement of Physical Plant: Employees assigned to eight maintenance and craft shops perform the required maintenance for 334 acres; 23 major buildings; 15 training, storage, and utility structures, and the FBI firearms ranges, all of which make up the FBI Academy training complex.

Accomplishments and Workload: The FBI Academy has an optimum annual capacity of 167,500 student training days (670 beds x 5 days x 50 weeks). During 1982, 164,444 student training days (98% of capacity) were used, with 80,787 (49%) used for General Law Enforcement Training (GLET). FBI employee training was conducted during 83,657 (51%) student training days. In consideration of the high occupancy rate during 1982, it should be noted that many of the students were "day students" from the local Maryland, Virginia, and Washington, D.C., jurisdictions who were trained at the FBI Academy by FBI field agent instructors. Additionally, a significant share of the student occupancy level was used by law enforcement organizations such as the National Sheriffs' Institute wherein primary training was offered by the guest organization. This situation was created by an insufficient availability of travel funding to fill the FBI Academy with students for FBI sponsored training. With availability of increased travel funding, the number of FBI employees and state and local attendees trained at the Academy will increase for 1983 and the non-FBI sponsored training will proportionately decrease.

During 1982, over 5,300 FBI employees were trained in various schools, seminars, conferences, and symposia at the FBI Academy. This included 348 new agents. Management and executive training was provided at a level far above other programs due to the need for career development programs within the FBI.

In the relatively new field of criminal psychological profiling, the FBI Academy staff has had notable achievements. During 1982, technical assistance in the form of case analysis and construction of personality profiles was provided in 49 FBI investigative matters. This assistance contributed to identification and apprehension of subjects in Civil Rights, Homicide, Kidnapping, Extortion, and Hobbs Act cases. It also contributed to the successful prosecution of the Atlanta Kidnapping cases. Valuable input was also provided in 14 personnel matters requiring psychological services.

During 1982, 7,101 special agents of the FBI were each afforded 68 hours of training in the field. This training, mandated by current policies and regulations, is designed to maintain and improve basic investigative, technical, and administrative skills. Subjects cover a wide variety of matters such as firearms, defensive tactics, Federal legal procedures, and others which impact on all of the FBI's investigative personnel. Approximately 482,120 total training hours were accomplished in 1982. In addition, 584 special agents assigned to tactical response teams (Special Weapons and Tactics) were afforded approximately 280,320 total hours of training in the field. This training is designed to heighten the FBI's degree of competency and preparedness to respond properly to crises situations such as terrorism, bombings, hostage taking, and other similar incidents over which the FBI has jurisdiction. The FBI has a substantial commitment of resources to several national and international events which will be hosted in the United States such as the Nuclear Emergency Search Team exercise in 1983; 1984 Summer Olympics in Los Angeles, California; 1984 World's Fair in New Orleans; and the Republican and Democratic conventions in 1984.

	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease		
	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount
Forensic Services - Federal	321	310	\$14,876	321	310	\$15,415	321	310	\$15,415	...	...	...

Long-Range Goal: To support the Federal criminal justice system by insuring, through scientific means, that all physical evidence is fully utilized to develop as much probative information as possible to reconstruct the crime, identify the guilty and exonerate the innocent.

Major Objectives:

- To provide professional, expeditious handling of requests for examination of physical evidence.
 - To assist in the prosecution of criminal matters by providing sound, objective, expert testimony in a wide variety of forensic disciplines.
 - To provide scientific and technical support to ongoing FBI and DEA investigations.
 - To conduct sufficient forensic science research to make the best use of physical evidence, stay abreast of new technology and improve ability to support ongoing investigations.
 - To provide forensic science training to Federal investigative and crime laboratory personnel to maximize the use of physical evidence in the solution and prosecution of crimes.
 - To provide specially designed investigative devices and apparatus for use in criminal and counterintelligence investigations.
- Base Program Description: Requests for examination of evidence come to the FBI Laboratory as a result of FBI field investigations and from other Federal agencies which do not have laboratories with the technical capability to perform a particular type of examination.
- The cases received include specific requests made by the contributor to conduct a wide range of forensic examinations on the physical evidence (specimens) obtained during the investigation of the crime. Requests are received in the Evidence Control

Center where pertinent information concerning the request is recorded in a computer. The request is then assigned a priority for examination and assigned to a principal examiner. The examiner is totally responsible for the case—determining what examinations must be done to obtain the greatest technical information from the specimen(s), maintaining the chain of custody of the evidence, obtaining auxiliary examiners, supervising and conducting examinations, reading and assembling the results of other examiners and writing the final laboratory report. The examiner may be called upon to render expert testimony concerning the results of the examination to subsequent court proceedings.

On occasion, during the investigation of FBI matters such as terrorist bombings, arson matters, undercover operations, kidnappings, etc., laboratory personnel are required to provide on-site technical support or to conduct a crime-scene search. Agent examiners are also requested to perform undercover work when persons having a technical background are needed during an investigation.

The Laboratory provides direct scientific and technical support to ongoing FBI and DEA investigations. Areas of this support include management of the polygraph program; management of the photographic equipment program; direct photographic assistance in complex investigative situations; artist's conception drawings; direct crime-scene support in major cases and unusual investigative situations; design and fabrication of special investigative equipment and special support to undercover operations.

The FBI Laboratory dedicated the Forensic Science Research and Training Center (FSRTC) at the FBI Academy, Quantico, Virginia, on June 16, 1981. Using the scientific input from the forensic science community, industry, academia, as well as identified FBI needs, a significant forensic science research program has been established. Forensic research, conducted mainly at the FSRTC, includes: basic forensic research, the evaluation of current and new methods and equipment, and the development of standards to be used in forensic science as well as FBI field operations.

With the opening of the FSRTC, the Laboratory substantially increased its capacity to provide forensic science training to FBI, other Federal, state and local law enforcement officers and crime laboratory personnel. The purpose of this training is to increase awareness of the probative value of physical evidence among law enforcement personnel, to further professionalize crime laboratory personnel, and to decrease dependence of state and local law enforcement agencies on the FBI Laboratory.

Accomplishments and Workload: Actual and projected accomplishments for this Decision Unit during 1981 through 1984 are presented in the following tabulation.

	1981	1982	Estimate 1983	Estimate 1984
Requests for Examinations	12,844	12,994	13,321	13,375
Specimens Submitted	122,174	104,606	120,000	125,000
Examinations Performed	612,651	528,760	549,349	565,349
Testimony Workdays	864	886	886	913
Hours devoted to New Agent Training	1,815	1,485	3,300	2,145
Hours devoted to In-service Training	4,872	5,280	5,280	5,280
Workdays devoted to Research	2,072	3,002	3,700	4,380
Polygraph Control Reviews	9,154	11,169	12,000	12,000
Trial Aids Prepared	1,260	1,714	2,040	2,040
Investigative Aids Prepared	4,073	4,421	4,421	4,421
Photographic Prints Processed	807,919	936,494	1,067,603	1,197,603
Negatives and Transparencies Processed	803,828	945,226	1,082,428	1,082,428

Implementation of the automated "Management Information System" which tracks cases throughout their life in the Laboratory; provides administrative data such as examiner workload and delinquency reports; provides case status information; and produces all necessary statistical accomplishment reports.

Placing "on line" in the Laboratory an Ion Chromatography examination which permits identification of minute residue recovered from a bombing crime scene to determine the type or types of explosives from which the residue originated.

Construction of the special laboratory necessary for the Radioimmunoassay technique for the determination of sex from a dried bloodstain.

Establishment of the "National Stolen Art File," which is an automated central repository of data and photographs of fine art objects that have been reported missing or stolen. The Document Section of the FBI Laboratory is now capable of extracting features from photographic images which are not readily apparent, through a process called digital image enhancement. This method employs a computer to search for information which is not apparent to a human observer. Although the process has been used successfully, research is continuing to refine the technique and broaden its application.

Preparation of trial exhibits and charts by the Special Projects Section contribute immensely to the organized manner in which cases are presented. These techniques were particularly useful in the ARSCAM and WAYNE WILLIAMS prosecutions. A senior trial attorney in the Department of Justice recently made clear the value of professionally developed demonstrative evidence by his statement that "no matter how innovative the technique, it is little more than a academic exercise if not properly presented for admission."

	1983 Appropriation		1984 Base		1984 Estimate		Increase/Decrease					
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount				
ADP and Telecommunications.....	406	394	\$51,918	406	394	\$57,064	499	483	\$95,478	93	89	\$38,414

Long-Range Goal: To support the FBI's information collection, storage, retrieval, and dissemination requirements through the management of the FBI's ADP and Telecommunications (ADPT) resources.

Major Objectives:

To implement a comprehensive ADPT long-range strategy to apply state-of-the-art information technology in a cost-effective manner.

To develop and implement a comprehensive Resource Management System (RMS).

To continue implementation, maintenance, and enhancement of the Organized Crime Information System (OCIS).

To continue implementation, maintenance, and enhancement of the Intelligence Information System (IIS), a dedicated secure ADPT system which supports the FBI's Foreign Counterintelligence (FCI) activities.

To provide ADP support to the highest priority investigations through the operation and maintenance of the Investigative Support Information System (ISIS).

To develop and implement the Field Office Information Management System (FOIMS), providing access to all field offices and to integrate technical resources to support the FBI's investigative and management information processing needs.

To continue development, implementation, and maintenance of the Automated Records Management System (ARMS).

To develop and implement a Computer Assisted Analytics Support System (CAASS) to enhance the FBI's ability to manage and perform investigative activities.

To continue implementation of a secure, efficient, and cost-effective Intra-FBI Records Communication System (IRCS) to support all FBI data communications requirements.

To provide ADP support to the Identification Division with the operation and continued development of the Automated Identification Division System (AIDS).

To provide ADP support to the Criminal Justice Data and Statistics Services Program which includes the National Crime Information Center (NCIC) and Uniform Crime Reporting (UCR) Programs.

To acquire and install secure voice telephone equipment and provide maintenance to existing field office telephone facilities.

To manage word-processing resources in accordance with the results of formal studies addressing needs.

Base Program Description: This program provides all ADPT services to the FBI on a nationwide basis. The Technical Services Division (TSD) insures that the FBI's ADPT resources are responsive to the agency's information processing needs, are implemented in accordance with the FBI's long-range plan, and also, are acquired, managed, and utilized in accordance with Federal laws and regulations. Cost-efficient ADP systems that are "user" oriented provide greater efficiency in the collection, maintenance, and dissemination of investigative information. This modern technology allows the FBI to apply greater emphasis in the investigations of organized crime, white-collar crime, and foreign counterintelligence matters. The Technical Resources Committee (TRC), which includes the Assistant Directors of the major "user" divisions, reviews and makes by priority each application of ADPT resources to support FBI needs. The TSD maintains daily interaction with the Technical Resources Working Committee (TRWC) members to insure that ADPT resources support the FBI's requirements.

The following major ADPT systems support the FBI's internal information processing requirements:

Investigative Support Systems (ISS) - The information systems that directly support the investigative information collection, analysis, retrieval, and dissemination capabilities of the FBI constitute the ISS. These information systems, IIS, OCIS, ISIS, and CAASS, provide central data bases to facilitate program management at both the headquarters and field office levels. These systems also provide ad hoc ADP support to cases which involve voluminous and complex evidentiary information in an off-line mode.

Resource Management System (RMS) - RMS provides FBI management with readily accessible accurate resource information on a timely basis. This information both supports and promotes sound managerial decisions regarding not only the effective and efficient use of the investigative resources of the FBI, but also long-range strategic planning and policy-making across the organization. This resource information also is used to meet the external reporting requirements of the Department of Justice (DOJ), Office of Management and Budget (OMB), General Services Administration (GSA), and the United States Congress.

Field Office Information Management System (FOIMS) - This system, when fully operational, will provide each field office with an integrated information processing system incorporating word processing, data processing, and telecommunications technologies. The long-range ADPT plan will involve integration of FOIMS with RMS and ARMS and, where appropriate, with ISS.

Automated Records Management System (ARMS) - The "FBI Central Records System" at FBI Headquarters is composed of over 7,000 filing cabinets of hard-copy textual information. Access to that system is through the FBI Headquarters General Index which is composed of approximately 60 million 3"x5" manual index cards. For almost five years, all new FBI Headquarters Index information has been recorded in automated form and during 1982, information retrieval via the automated FBI Headquarters General Index began. ARMS also includes FBI Headquarters file charge-out and locate and mail serialization capabilities.

Intra-FBI Records Communications System (IRCS) - The capability to transmit rapid secure textual information between FBI Headquarters, field offices, and overseas posts is vital in fulfilling the mission of the FBI. With the rapid expansion of IIS and the advent of FOIMS, it has become necessary to lease point-to-point secure telecommunications services. The FBI will develop and implement IRCS, a secure, efficient, and cost-effective network which will support all FBI data communications requirements including facsimile, teletypes, access to FBI ADP systems, video teleconferencing, micrographics, and electronic mail. Developmental efforts will continue in 1983. By the end of 1983 on-line access to the FBI's ADP systems will be provided to field office locations and the Headquarters Local Area Network (HLAN) prototype will be operational.

Telephone Systems - The FBI must have efficient and secure telephone facilities available to support its investigative mission. A major objective is to procure secure voice capabilities for all field offices in order to support FBI foreign counterintelligence activities.

National Crime Information Center (NCIC) - The FBI's NCIC, which is managed by the Criminal Justice Data and Statistics Program is the only national law enforcement teleprocessing system in existence today which provides documented information on wanted and missing persons, stolen properties, and criminal histories. It is supported by FBI Computer Center ADP resources.

Automated Identification Division System (AIDS) - The Technical Services Division, in conjunction with the Identification Division, is involved in a comprehensive project to automate the fingerprint card processing and related activities of the Identification Division. Resource requirements, which are set forth in this program, include general-purpose ADP resources.

Accomplishments and Workload: During 1982, many noteworthy accomplishments were made in the ADPT Program. A long-range automation plan was approved by the Director of the FBI which identifies needed resources and develops strategies for a multiyear outlook for information system development. This provided an explicit, detailed linkage between long-range automation planning and the budget formulation and presentation process.

Significant progress was made in applying greater effectiveness in the collection, maintenance and dissemination of investigative information. OCIS was implemented in nine additional field offices and on-line ISIS was installed in three additional field offices. Development of CAASS continued in 1982 with implementation planned for 1983.

The FBI completed the Interstate Identification Index (III) pilot which proved the feasibility of using the Computerized Criminal History (CCH) system to allow states to search a Federal Index to determine the depository of criminal histories and to facilitate direct exchange of records between the requester and the depository.

The Northeast Regional Computer Center at Ft. Monmouth, New Jersey, which serves as a prototype regional center for the field office automation program (FOIMS), was activated and is currently serving the Richmond Division with limited support to the New York Division. During 1982 contracts were awarded for completion of Phase II construction of the Northeast Regional Computer Center.

Enhancements were made to the automated systems supporting the Administrative Services and Records Management Divisions at FBIHQ. These enhancements include development of applications software to support mandated changes such as the Performance Appraisal/Merit Pay System, new state tax requirements, FICA (Medicare tax) deduction procedures, EEO modifications, redesigned FBI accomplishment reports, and the integration of U.S. Secret Service subjects with the FBIHQ General Index. Additionally, software was developed to support the FOI/PA systems permitting status inquiries on FOI/PA requests. An Electronic Reservation and Ticketing System was installed which accounted for an estimated \$310,000 cost savings in travel expenses.

The FBI has completed a top-down functional analysis of all FBI resource management information processing requirements to support the development of an integrated FMS and the interface of FMS with FOIMS. During 1982 a data base management system to support this integration was acquired.

During 1982 developmental efforts continued for a secure, efficient, and cost-effective telecommunications network which will support all FBI data communications requirements including facsimile, teletypes, access to FBI ADP systems, video teleconferencing, micrographics, and electronic mail.

The FBI Computer Center has been improved substantially. State-of-the-art operating system software has been acquired which supports the latest peripheral hardware devices, permits use of the most advanced proprietary software, achieves full capabilities of virtual storage, and increases system reliability and throughput. A program has been established to monitor performance of major systems and determine points of contention or bottleneck which constrain performance. Two new central processing units were acquired in 1981 to replace obsolete processors and provide increased capacity and reliability. New computer hardware was acquired in late 1982 to enable the FBI to meet its increased processing requirements until the 1984 Computer Center upgrade. The Computer Center experienced a 33 percent increase in throughput in 1981 and a 17 percent increase in 1982.

Program Charges: At this level of funding, two special agent positions, 91 support positions and \$38,414,000 are requested. These additional personnel resources are needed to meet the increased throughput requirements of the FBI Computer Center and supporting operations, and for further implementation of FMS, IIS, OCIS, ISIS, and FOIMS. Systems programming requirements of the FBI Computer Center will significantly increase as the new host processors are replaced. These requested work-years are essential if the FBI is to carry out its long-range automation plans over the next several years.

This level of funding will enable the FBI to develop a Training System for the FBI Training Division at the FBI Academy. This new start will provide funds necessary to acquire a minicomputer and terminals to install at the FBI Academy in order to familiarize new special agents with the investigative support systems available in the field.

This level of funding will provide necessary resources to support administrative, scientific, technological, and cryptologic functions of the Laboratory Division. The acquisition of a new minicomputer to replace the existing computer will improve the reliability of systems support and meet the increased workload supporting management and control of the Laboratory Division's work activities.

Funding is requested at this level to conduct a functional analysis of the criminal justice information services community. This study will evaluate the current environment, determine functional requirements, develop and evaluate alternatives, and develop implementation plans. This study will provide the FBI, Department of Justice (DOJ), Office of Management and Budget (OMB), and Congress with an analytic basis to make an informed, defensible decision concerning the manner in which the FBI should continue to provide information processing support to the criminal justice community.

This level of funding will enable the FBI to fully implement FOIMS in the Northeast Region. With the Northeast Regional Computer Center fully operational, data processing, word-processing and telecommunications services will be provided to the Albany, Boston, New Haven, Newark, New York, and Philadelphia field offices. These field divisions will have increased accessibility to investigative and administrative information with distributed ADPT support to over 25 percent of the FBI's investigative personnel. Initial FOIMS support will be provided to the remaining eight of the FBI's twelve largest offices.

At this level of funding, sufficient resources will be available to support the increased travel associated with the expansion of FOIMS, RMS, and the Investigative Systems.

	1983 Appropriation Anticipated		1984 Base		1984 Estimate		Increase/Decrease	
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount
Legal Attaches....	69	67 \$4,020	69	67 \$4,092	69	67 \$4,092	-	-

Long-Range Goal: To assure continuous and prompt exchange of information with foreign law enforcement and intelligence agencies to enable the FBI to meet its mandated responsibilities.

Major Objectives:

To develop and maintain liaison with foreign law enforcement and intelligence agencies.

To provide a constant and prompt exchange of information and assistance with the above agencies.

Base Program Description: All liaison with the principal foreign law enforcement and intelligence agencies throughout the countries covered by legal attaches are handled through continuous direct personal liaison. Investigative matters that have international ramifications are handled expeditiously by legal attaches and coordinated through appropriate components at FBI Headquarters. Continuous contact is maintained with Embassy personnel, including representatives of other U.S. law enforcement and security agencies, to insure that maximum coordination is effected in accomplishing overall objectives of the FBI.

The 13 legal attache posts will be staffed as follows:

<u>POSTS</u>	<u>SPECIAL AGENTS</u>	<u>SUPPORT PERSONNEL</u>
<u>Europe</u>		
Bern	2	1
Bonn	4	4
London	3	3
Paris	2	2
Rome	3	2
<u>Latin America</u>		
Bogota	2	2
Montevideo	1	1
Mexico City	4	4
Panama City	1	1
<u>Far East</u>		
Tokyo	1	1
<u>SE Asia</u>		
Hong Kong	2	1
Canberra	1	1
<u>North America</u>		
Ottawa	2	3
FBIHQ Foreign Liaison Unit	2	1
Total	30	27

With the current level appropriation at 57 positions, 30 will be staffed with special agents. The two Special Agent positions for training at FBI headquarters are essential for filling vacancies during normal shifting and transfer of personnel at various legal attache posts. These training positions are designed to enable a smooth and continuous operation of all 13 legal attache posts.

Accomplishments and Workload: The following table reflects accomplishments of the Legal Attache program wherein legal attache offices are actually involved and do not include name check requests:

Item	Estimates		
	1981	1982	1983 1984
Investigative matters received	8,643	10,000	11,000 11,200
Number of foreign law enforcement and intelligence agencies with which liaison maintained	200	210	215 220
Assistance in Foreign Police Cooperation cases	2,300	2,500	2,600 2,700
Value of items located abroad (000)	\$6,300	\$6,500	\$7,000 \$8,000

It is noted that the legal attache offices' primary function is of a service nature, to assist and facilitate the fulfillment of the overall responsibilities of the FBI. Their performance, particularly in regard to the areas of OC, WCC, narcotics, domestic security and foreign counterintelligence, can only be measured in terms of the quality and timeliness of information exchanged with foreign contacts and its effects upon domestic investigations conducted by the FBI and other U.S. agencies to which this information is disseminated.

The following are just a few examples of qualitative performance measures of this program, indicating the significant role played by the legal attaches in the FBI's overall program:

1. Legat, Rome assisted the Italian Government in the investigation of the kidnapping of U.S. Brigadier General James Dozier, Chief of Staff Land South (Army Component of North Atlantic Treaty Organization, South Command), Verona, Italy, by the Italian Red Brigade at 5:30 P.M. on December 17, 1981.
2. During 1982, Legat, Panama City was involved in providing investigative counsel to the Government of El Salvador in its attempt to bring to a logical conclusion the murder of four U.S. church women. Legat, Panama City continues to provide assistance in the case involving two U.S. American Institute for Free Labor Development workers, and the investigation of the disappearance of U.S. citizen Patricia Cuellar de Alvarez in El Salvador.
3. Legat, Paris, during the past year, worked with the French Government to develop and confirm specific activities of Joseph George Helmich while he was a member of the U.S. Army assigned in France during the early 1960's. Helmich was allegedly recruited following a "walk in" at the Soviet Embassy in Paris and furnished sensitive classified information to the Soviets concerning operation of a communication center handling diplomatic military traffic. He was sentenced to life in prison after pleading guilty to espionage charges.
4. Legat, Rome assumed a delicate role in assisting the U.S. Department of Justice in negotiations and efforts to locate and extradite fugitives Francis Edward Terpil and Edwin Paul Wilson.
5. Legat, Tokyo has worked with the Japanese Police authorities to develop and confirm specific information concerning the "Yakuza," Japanese organized crime families, which operate not unlike the "La Cosa Nostra," and which have been, in recent years, showing up in Honolulu.
6. Legat, Bonn played a critical role in developing information concerning the training of Libyan terrorists by former CIA members, as well as involvement in other criminal activities by these former CIA members.

	1983 Appropriation Anticipated			1984 Base			1984 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Records Management.....	1,367	1,324	36,966	1,367	1,324	38,209	1,367	1,324	38,209

Records Management.....	1,367	1,324	36,966	1,367	1,324	38,209	1,367	1,324	38,209
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Long-Range Goal: To support FBI investigative and administrative operations through timely and accurate records processing, filing, maintenance, and retrieval services. To respond to requests under the Name Check Program from Executive Branch agencies and to inquiries and court orders for documents and information in connection with discovery proceedings in criminal and civil litigation.

To facilitate lawful public access to FBI records in response to Freedom of Information and Privacy Acts requests.

Major Objectives:

To continue the conversion of the active index to a machine-readable on-line mode in order to facilitate searching capabilities in the main card searching and name searching units.

To insure mail is routed, classified, searched, serialized, and recorded in a prompt manner.

To dispose of duplicative and nonessential record material, microfilm historical records that require permanent retention, and implement alternative methods of records storage and retrieval for active investigative and administrative files.

To provide file review, name searches, and locate services accurately and expeditiously in response to name check requests received from Executive Branch agencies.

To protect sensitive information and informants, including intelligence sources and methods by establishing and maintaining training programs and definite clearance standards for the proper classification and handling of FBI documents.

To review, as required, and produce documents in civil suits while insuring against duplication of work in unrelated lawsuits. Provide correct, prompt, and complete responses to FOI/PA requests and train and direct FBI personnel at FBI Headquarters and in the field offices to fulfill responsibilities mandated by the FOIA and PA.

Base Program Description: The implementation of automation continues in the Records Management Decision Unit for mail processing functions. The Automated Records Management System (ARMS) has been applied to main card searching, name searching, and completion of index conversion. The main card searching and name searching projects will provide the capability of an on-line search of all FBI and outside source mail, and name checks, respectively.

Within this decision unit, all incoming mail is received, classified, searched, serialized, indexed, recorded, and routed to respective FBI Headquarters Divisions. Mail is subsequently forwarded to file and maintained. All investigative,

administrative, applicant, and personnel files are maintained and name search and file review services are extended to supervisors in support of their investigative and administrative operations, which include FOIPA requests, as well as requests from other Executive Branch agencies under the National Agency Name Check Program.

The complexities of the FBI's record keeping system and sensitive nature of information contained in the files require the Document Classification and Review Section to review investigative records to insure that documents made available to FOIPA requesters and plaintiffs through discovery in civil suits are properly classified to protect source, methods, and other matters consistent with appropriate executive orders. Policy pertaining to security and classification of documents is formulated in accordance with executive orders and intelligence community directives. Training and security clearance programs are implemented.

The Freedom of Information and Privacy Acts Section acknowledges requests and identifies, collates, reviews, excises, duplicates, and discloses records as authorized by the FOI/PAs. This program coordinates request matters with the FBI's document classification authorities, the FBI's Legal Counsel Division, components of the Department of Justice, and other Executive Branch agencies prior to release.

Accomplishments and Workload:

Item	1981	1982	1983	Estimates	1984
Mail classified	1,458,110	1,458,110	1,537,472	1,537,472	1,887,668
Mail serialized	1,114,289	1,092,819	1,000,223	1,000,223	1,200,200
Mail recorded	1,114,289	1,092,819	1,000,223	1,000,223	1,200,200
Mail filed	1,092,819	1,086,291	1,002,523	1,002,523	1,200,000
Index card filled	1,178,840	1,350,411	1,444,840	1,444,840	1,589,434
Name checks handled	980,667	1,132,733	2,221,893	2,221,893	2,328,308
Pages filmed	2,170,918	2,160,935	2,255,738	2,255,738	2,431,823
Mail dispatched	850,126	774,093	1,200,000	1,200,000	1,200,000
Duplicate deletes	3,202,290	3,137,754	3,169,132	3,169,132	3,198,441
Alphabet converted	34,169	32,289	40,597	40,597	47,137
Security investigations and personal security reviews	NA	9,908	10,100	10,100	10,100
Quality control for document security awareness	NA	30,600	33,500	33,500	33,500
Pages reviewed for classification	921,152	1,334,355	1,034,606	1,034,606	800,000
Pages reviewed for FOIA national security affidavits	100,453	509,220	500,000	500,000	500,000
Pages processed and forwarded to DRC (initial processing)	73,771	62,996	69,295	69,295	69,295
FOI/PA PROGRAM:					
No record and/or other administrative closings	9,160	7,978	7,738	7,738	8,024
Requests processed with identifiable records released	5,738	4,502	4,447	4,447	4,611
Total requests handled	14,498	12,480	12,185	12,185	12,635
Appeals completed	1,428	945	975	975	975
Correction/amendment requests resolved	1,97	69	70	70	70
Litigated matters completed	113	162	130	130	200

*This percentage reflects conversion of main cards only.

Records Management Program:

The ELSUR (Electronic Surveillance) Index Subunit has expanded its duties and responsibilities to each appropriate field office and within FBIHQ. On-site assistance is rendered to field offices to improve ELSUR programs and all nonoperational phases of the use of ELSUR is coordinated through the ELSUR Index Subunit. As a result of research, storage requirements for ELSUR tapes being held by field offices were modified, resulting in a projected five year savings to the FBI of approximately \$1,162,358. The ELSUR portion of the Manual of Investigative Operations and Procedures has been revised.

The Data Recording Subunit has continued with the automation of records through conversion of the index to a machine-readable format. Data Recording has converted 987,736 main cards [approximately sixteen percent of conversion of main cards only, based on approximately six million main cards in the index] and completed 78,027 deletes of erroneous and/or duplicative data, of which there are over one million. This subunit is implementing the processing of classifications one through 189 on the on-line system. Four on-line computer subsystems have been installed in the Data Recording Subunit. The Data Recording Subunit performed over 2,000 initial entries for the United States Secret Service (USSS) of individuals who posed a threat to the President of the United States. Computer-generated index cards were then forwarded to each field office and Legat to be filed in the general indices of the offices. Computer printouts are received from the USSS on a weekly basis indicating additions, changes, etc., to be made to names previously submitted. As a result of the weekly computer printouts, approximately 450 computer-generated index cards have been prepared on a monthly basis and forwarded to each field office and Legat, relieving these offices of the need to prepare the index cards, which has resulted in continuing substantial savings to the field averaging \$4,600 monthly. To date, cumulative savings as a result of this technique have totaled approximately \$78,000. In addition to the conversion of the active index, the Data Recording Subunit handled a total of 982,908 data entries in 1982, a seven percent increase over 1981 totals. Preparation of a computer-generated index card for data entered into the data base from manual index cards was discontinued, realizing an annual savings of over \$30,000 in material and personnel costs.

Records Systems Section initiated changes in the FBI's mailing system through the efforts of the FBI Mail Manager which has realized a cumulative savings in excess of \$500,000.

The Records Systems Section completed a realignment of the telelift system at FBIHQ, which realized an estimated savings to the FBI of \$90,000.

A more effective monitoring process of the FBI's duplication program was instituted by the Records Systems Section, which has resulted in savings to the FBI of approximately \$200,000.

As a result of the implementation of the Automated Incoming Mail Serialization Project (Phase II), the Records Systems Section boxed approximately 38 million numbered abstracts and turned over 4,900 sq. ft. of space for office use. This initiative realized an approximate savings of \$19,000 to the FBI.

At the request of the Acting Administrator of the Drug Enforcement Administration (DEA), the FBI Mail Manager and personnel from the Records Systems Section conducted an initial survey of DEA's mail procedures. As a result of this initial survey, the FBI Mail Manager made recommendations that will save DEA more than \$30,000 in annual mailing costs.

In 1982, the National Security Affidavits Unit (NSAU) reviewed 508,833 pages of FBI documents in response to filing affidavits/declarations for FOI/PA civil law suits filed in U. S. District Courts. This large increase in pages reviewed in 1982 over 1981 pages reviewed is due to more efficient recordkeeping procedures and employee experience. Not one single classification claim to withhold information for national security reasons was rejected by a U. S. District Court in numerous NSAU affidavits/declarations filed.

The Security Programs Unit (SPU) in 1982 conducted 9,908 security investigations and personnel security reviews. It also provided formal training in the areas of document classification, personnel, and communication security awareness to 1,391 employees. In addition, a newly instituted quality control review was instituted by Security Programs Unit to examine 30,600 pages of FBI documents to insure substantive and procedural compliance with the existing Executive Order.

In 1982, the Document Classification Unit reviewed and/or processed 1,134,355 pages, a 23 percent increase above 1981 levels.

In 1982, the Classification Appeals Unit (CAU) adjudicated (closed) 53,069 pages of appeals compared to 26,353 pages adjudicated in 1981, which is almost a 100 percent increase and, at the same time, the Unit processed and forwarded to the Department Review Committee 94 percent of the pages processed in 1981.

The Civil Discovery Review Units (CDRU), during 1982, reviewed for affidavits, declarations, and interrogatories 2,175,000 pages.

FOI/PA Program:

While continuing to undergo refinement, the FOI/PA computer program has been made operational, which significantly enhances the ability to more efficiently manage the FOI/PA program by automating initial acknowledgment of requests and by enabling instant retrieval of all requests, both pending and closed. Monthly accomplishment and work analysis reports are also being generated to provide a more complete information system upon which to base management decisions.

Within the FOI/PA program, productivity has been increased and resources dedicated to the program have been voluntarily reduced during the past year (FY 1982).

Substantial compliance with the statutory requirements of the FOI/PA has been achieved and this had diminished the voluminous litigation work concerning FOI/PA requests. Innovative training programs for analysts and team captains are continuing.

A new field office records referral procedure has been implemented, which permits the identification of all records of a particular investigation maintained in all FBI field divisions, as well as in FBIHQ. This enables the FOI/PA Section to determine duplication costs at the time the request is received, and eliminates the previous problem of processing records of different field offices at different times, all pertaining to the same investigation.

Completed and submitted to Congress were the FBI's recommendations for amending the FOIA to better serve the public interest by safeguarding investigative information, the release of which would damage law enforcement efforts.

During 1982, the Decision Unit received 13,400 new requests of which 5,299 involved identifiable records. A total of 12,480 requests were processed and, in addition, 945 appeals, 69 correction/amendment requests, and 162 litigated matters were completed.

	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease	
	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount	Pos.	WY
Technical Field Support and Equipment	95	92	\$44,243	95	92	\$43,446	162	157	\$93,702	67	65
											\$50,256

Long-Range Goal: To provide essential technical support and equipment to the FBI field offices and conduct necessary research and development to maintain a level of technology higher than that of foreign and domestic adversaries.

Major Objectives:

- To provide centralized management of the FBI's FM radio communications systems.
- To implement security features such as voice privacy in the FM radio communications systems.
- To maintain the field's passenger-carrying automobile fleet by replacing vehicles which have reached the end of their useful life.
- To provide technical expertise in the examination of electronic-related evidence such as recordings and communications interception devices and to provide expert court testimony relating to these examinations.
- To replace the field's inventory of audio collection and recording equipment, audio analysis equipment, physical surveillance equipment, physical security and countermeasures equipment, firearms and tactical equipment, photographic equipment, crime-scene examination equipment, furniture, general office equipment, emergency operating facility equipment, and automotive maintenance equipment as it reaches the end of its useful life.
- To provide the field with sophisticated technical equipment and on-site technical support required to support the FBI's complex and demanding investigative activities.
- To insure the physical security of FBI facilities and to satisfy the requests of the Department of Justice and other agencies for electronic "sweeps."
- To continue research and developmental efforts regarding new technical capabilities applicable to the FBI's investigative missions.
- To manage the FBI's use of aircraft and increase its effectiveness in supporting investigative missions.

Base Program Description: This program provides technical investigative support to the field and maintains centralized management of all field equipment to maximize utilization and expedite the completion of complicated investigative matters. Frequently, investigative objectives could not be met without sophisticated technical support. Virtually all field investigative programs are dependent upon the technical support and services provided by this program.

The primary thrust of this program is the development, design, engineering, procurement, distribution, and installation of technical support equipment required to assist in the successful accomplishment of the FBI's criminal investigative and PCI missions and the provision of adequate personnel to install, maintain, and assist in the operation of that equipment. All field equipment falls into the following major categories:

Radio Communications Equipment: Most FBI investigative efforts require the utilization of FM radio communications facilities to effectively conduct activities. This program is responsible for overall management of the system which includes handling all frequency management functions for the FBI and related functions for other Department of Justice components and the evaluation and implementation of appropriate security features such as voice privacy.

Audio Collection and Recording Equipment: This category of equipment is primarily utilized to support the FBI's Organized Crime Programs. This program coordinates both the installation of equipment and the operation of the FBI's central monitoring plants.

Physical Surveillance Equipment: This category of equipment supports the physical observation of subjects of organized and white-collar crime investigations, kidnappings, extortions, and other criminal activity to facilitate the identification and apprehension of subjects, the protection of victims, and the collation of documentary evidence to successfully prosecute offenders.

Physical Security and Countermeasures Equipment: This category of equipment includes Closed Circuit Television (CCTV) equipment and electronic test equipment to detect unauthorized audio-collection devices. The best available equipment is used to "sweep" the facilities of the FBI and other Government agencies to insure freedom from clandestine listening devices.

Firearms and Tactical Equipment: This category of equipment includes handguns, shotguns, rifles, and scopes, in addition to special equipment for the field Special Weapons and Tactics (SWAT) teams.

Photographic, Photographic Laboratory, and Crime-Scene Examination Equipment: This category includes cameras, lenses, and technical equipment to collect physical evidence at the scene of crimes. Also included is field equipment necessary to support the development and printing of photographs.

Furniture and Office Equipment: The FBI must replace field office furniture and office equipment reaching the end of its useful life.

Passenger Automobiles: The FBI's passenger-carrying automobile fleet is driven more than 89 million miles per year. The General Services Administration (GSA) sets replacement standards of six years or 60,000 miles, whichever occurs first; however, the FBI evaluates the actual operating condition and repair history of each vehicle prior to arriving at a decision to replace the automobile.

Surveillance Vehicles: Vans and other surveillance vehicles are required to support the surveillance of subjects of the FBI's major programs.

Audio Analysis Equipment: This program examines evidence pertaining to the interception of communications and audio signals. Requests for audio forensic examinations are received from the FBI field offices and other Federal, state, and local law enforcement agencies.

Aircraft: This program provides centralized management of the FBI's use of aircraft to support surveillance in priority FBI, organized crime and white-collar crime investigations. Aircraft rental resources are prorated among the FBI's investigative programs.

Accomplishments and Workload: In 1982, the FBI purchased per replacement 989 new fuel-efficient passenger-carrying automobiles. This trend toward more fuel-efficient automobiles will be continued in 1983 and 1984. In order to meet the field offices' automobile requirements and to insure the most efficient distribution of the automobile fleet, several new management procedures were initiated. A survey was instituted to determine the vehicle needs of the field offices according to type of vehicle, intended use, and priority. Procedures were established to allow surplusing of vehicles according to operating condition and repair history rather than using only the GSA replacement standards as a guide. The FBI purchases vehicles that will be less identifiable as law enforcement automobiles. This policy has drawn favorable reception by investigative personnel.

A research effort and a feasibility study were concluded which identified problems in pursuing an analog voice privacy approach to protecting the FBI's field office radio communications. This effort and study established the technical and economic basis for pursuing a solution using digital technology. As a result, an integrated device will be procured which is more reliable, easier to maintain, possesses greater flexibility for system enhancements, and can be tactically deployed sooner than originally anticipated. This equipment will be compatible with the digital privacy equipment presently being used by the FBI. The first complete system of this type was procured with 1982 funds and will be installed in 1983.

In 1982 the FM radio communications systems in five field offices were replaced with modern updated equipment. Assistance was provided to three field offices in the installation of voice privacy equipment. Secure voice installations were made in three field offices. Surveys of three field offices were taken in an effort to improve their current radio systems.

Technical support to undercover operations continued. Each of the FBI's major undercover operations was supported by video, audio, and surveillance equipment. This equipment is necessary in order to obtain the critical evidence necessary to sustain a conviction.

The FBI continued to use its expertise in forensic examinations of taped conversations and magnetic tape to support FBI and other federal, state, and local law enforcement investigative requirements. This expertise is considered to be the best in the world. During 1982, the FBI conducted 790 audio forensic examinations involving 2,500 specimens and provided expert testimony 50 times in connection with these examinations.

Research and development efforts continued in the areas of physical surveillance, countermeasures, and radio communications technologies.

Program Changes: This level of funding includes a request of \$50,256,000, the majority of which is to purchase FM radio equipment with integral voice privacy for 38 additional field offices. Two-year funding is requested to cover any unanticipated delays that may make it impossible to obligate all the funds in 1984. FBI Special Agents at all levels in the field office command structure have expressed the need for voice privacy equipment as one of their highest priority operational requirements. The increased incidents of the monitoring of FBI radio frequencies by organized crime figures, other subjects of investigations, news media personnel, and inquisitive citizens have resulted in the compromise of major investigative efforts and have created dangerous situations for both FBI investigative personnel and innocent citizens. As a result, an integrated device will be procured which is more reliable, easier to maintain, and possesses greater flexibility for system enhancements.

This level of funding includes a request for 67 support positions, 39 of these positions are required to install and maintain FM radio voice privacy systems. The remaining 28 support positions are for engineers and technicians, including installation technicians, engineering technicians, and tape enhancement technicians.

This level of funding will provide additional physical security, audio collection, physical surveillance, countermeasures, field recording and audio processing equipment to enable replacement of 72 percent of equipment reaching the end of its useful life and to acquire high-priority additional equipment. The level of funding in these equipment areas has not increased enough in the last five years to keep up with equipment price increases. Special Agents at all levels of the field office command structure have expressed concern regarding the shortage of technical equipment and how it affects their ability to accomplish the investigative mission of the FBI. Top-priority cases are supported by transferring equipment between field offices. Too often, equipment being successfully used in support of an active case must be prematurely disconnected to support a higher priority case elsewhere. Each field office investigative requirement for technical equipment support is evaluated to determine if the transfer of equipment from one field office to another is warranted.

At this level of funding this program will provide the field offices with enhanced photographic capabilities to support sophisticated surveillance. Computer enhancement of photograph expertise will move beyond the experimental stage to active use.

This level of funding includes the purchase of five fixed-wing aircraft and one helicopter to replace aircraft that were acquired from or that are on loan from the Department of Defense (DOD). Due to the safety and age factors and increasing maintenance costs of these aircraft, 15 aircraft will be phased out of FBI operations in 1982-1985. The FBI operates five helicopters which are on loan from the DOD. Indications are that these helicopters will have to be returned to the DOD. It has been determined that it is more cost-effective to purchase aircraft rather than to operate aircraft on short-term leases, or through hourly rentals. The Internal Audit Staff (IAS), Justice Management Division (JMD), Department of Justice (DOJ), completed a review of the management and utilization of aircraft by DOJ offices and determined that, for long-term purposes, outright purchase is the most cost-effective method of obtaining aircraft. The IAS review also identified the problems associated with using DOD aircraft in that the aircraft presently being used are old and that the DOD has no others to loan that are suitable to law enforcement work. The purchase of five fixed-wing aircraft and one helicopter in 1984 is the first part of a two-year purchase plan. The FBI plans to purchase five fixed-wing aircraft and one helicopter in 1985. This level of funding will also provide additional avionics equipment to support the aircraft program.

Activity: State and Local Assistance	1983 Appropriation Anticipated				1984 Base				1984 Estimate				Increase/Decrease	
	Perm.		WY		Perm.		WY		Perm.		WY		Perm.	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
General Law Enforcement Training	283	275	\$14,375	283	275	\$14,472	283	275	\$14,472	...	...	...	...	...
Forensic Services - Non-Federal	122	119	7,145	122	119	7,447	122	119	7,447	...	...	...	...	...
Fingerprint Identification	2,831	2,841	72,086	2,831	2,841	68,904	2,686	2,696	110,644	-145	-145	\$41,740	-145	\$41,740
Criminal Justice Data and Statistics Services	197	192	6,962	197	192	7,250	197	192	7,250	...	...	...	...	...
Total	3,433	3,427	100,568	3,433	3,427	98,073	3,288	3,282	139,813	-145	-145	\$1,740	-145	\$1,740

This activity supports state and local law enforcement by providing training and furnishing laboratory, identification, and informational services. The FBI National Academy, the National Crime Information Center (NCIC), and the Uniform Crime Reporting (UCR) programs are but a few of the services funded under this activity.

1983 Appropriation Anticipated	1984 Base			1984 Estimate			Increase/Decrease			
	Perm. Pos.	WY Amount	WY Pos.	Perm. Pos.	WY Amount	WY Pos.	Perm. Pos.	WY Amount	WY Pos.	
General Law Enforcement Training.....	283	275	\$14,375	283	275	\$14,472	283	275	\$14,472	...

Long-Range Goal: To improve the investigative, managerial, and technical capabilities of local, county, and state law enforcement personnel through the process of training and education.

Major Objectives:

To provide timely training programs on issues of critical concern to the law enforcement community, both in the field and at the FBI Academy.

To provide executive development training to 1,200 law enforcement officials.

To provide, through the Field Police Training Program, a level of 66,244 hours of instruction for 167,900 officers with emphasis on violent crime.

To continue a national program to assess the training needs of local law enforcement.

To provide at the Redstone Arsenal, Huntsville, Alabama, training courses for local law enforcement in the areas of bombs and hazardous devices.

To continue the necessary research, refinement, and dissemination of criminal personality profiles in order to assist local law enforcement in the resolution of major crimes of violence.

To continue to publish scholarly articles by FBI Academy personnel on a wide variety of subjects of concern to the local law enforcement community.

Base Program Description: The FBI's mandate to provide training to local law enforcement is implemented in two ways. First, the FBI Academy offers a wide variety of training programs which are made available at no cost to selected criminal justice personnel. The courses range from highly technical one-week programs to the eleven-week National Academy program. Through the process of identifying training needs, the Academy staff conducts research, establishes program objectives, and develops courses of instruction to meet the identified training needs. For example, the need for executive training led to the development of the National Executive Institute (NEI) in 1976, and in 1981, the pilot program of the Law Enforcement Executive Development Seminar (LEEDS). Both programs, in conjunction with the National Academy, help alleviate the critical lack of management training in law enforcement agencies. Another way in which the FBI Academy meets the needs of local law enforcement is through constant research in identified law enforcement problem areas. This has resulted in staff members becoming authorities in their respective fields. In this role, advice is disseminated daily on such diverse matters as homicide, crisis management, and the investigation of complicated economic crimes.

The second role performed by this decision unit is the management of the Field Police Training Program. Over 2,000 trained FBI instructors assigned to 59 FBI field offices participate in local police training programs throughout the Nation. This training assistance at the basic level is extensive, and is the backbone of FBI training assistance to local law enforcement. It is at this level of training that the rapport between local police and FBI Agents is developed, which then fosters cooperative efforts between agencies in the investigation of criminal cases.

Accomplishments and Workload: During 1982, a total of 56,000 student training days was dedicated to the National Academy and executive development training programs. The National Academy Program, which provides eleven weeks of advanced instruction to career law enforcement professionals, consisted of four sessions in 1982 and 1,000 officers were graduated. An additional 28 police chief executives attended a National Executive Seminar. Demands for additional executive training led to the 1981 implementation of the Law Enforcement Executive Development Seminar (LEEDS). This particular executive training program, which is designed for executives from mid-sized agencies, resulted in the graduation of 83 chief executives in 1982. With the formulation and implementation of LEEDS, the FBI for the first time is in a position to offer a comprehensive executive development program for the law enforcement community.

In 1982, 24,000 student training days were dedicated to specialized and technical programs, which included 115 specialized schools, conferences or symposia, attended by 3,900 criminal justice personnel. Among the diverse specialized courses offered during 1982 were: Hazardous Devices Course for 266 attendees; American Society of Crime Laboratory Directors Symposium, held in the new Forensic Research and Training Center and attended by 200 crime laboratory directors; Arson Matters for 142 attendees; and a National Forensic Seminar for 25 members of the American Society of Crime Laboratory Directors. A significant improvement in the violent crime area was the reinstitution of the Crises Intervention Course which had been discontinued in 1979 because of resource limitations. Additionally, courses were offered in Applied Criminology, Interpersonal Violence and Sex Crimes, and Death Investigation. In addition to the specialized and technical training programs offered at the FBI Academy, 60,000 student training days in 1982 were attributed to training programs conducted at state and regional training facilities by Academy instructors. This included sophisticated and advanced training for 12,000 law enforcement officials in such areas as forensic science, criminal psychology, labor relations, instructor development, executive development, as well as the training of 560 officers in bombing and hazardous device matters.

Training programs continue to make contributions in support of state and local investigative matters in crimes of violence. Demand for Behavioral Science Unit Crime Analysis, Criminal Personality Profiling, and General Investigative support and consultation increased again in a dramatic way during 1982. Assistance was requested in a total of 181 matters as compared to a total of 140 requests in 1981. This increase in demand can be better emphasized by comparing the above figures with those of 1979, when there were 40 total cases. The Behavioral Science Unit has also observed that the degree of involvement in investigative matters is increasing in intensity and duration. The scope has expanded from crime analysis and profile construction, to planning proactive strategies, interviewing techniques, coaching prosecutors, and "on-site" major case training and consultation.

Cases received for analysis and profiling in 1982 included 544 victims compared to a total of 338 victims in 1981. State and local police cooperation cases submitted included homicide, rape, child molestation, equivocal deaths, arson, assault, and burglary. Feedback from requesting agencies revealed that the Behavioral Science Unit assisted in the identification of offenders responsible for 50 homicides and 126 rapes. In 1981 those figures were 23 and 57, respectively.

During 1982, FBI field instructors provided a total of 46,244 hours of classroom instruction at 5,390 local schools. These schools were attended by 167,900 criminal justice personnel.

Instructional assistance by the FBI involves several levels of activity. At the recruit level, training is provided in such areas as constitutional law, civil rights, arrest techniques, firearms and defensive tactics, rules of evidence, search and seizure, interviewing, and other skills needed by the recruit-level officer. At the in-service level, more advanced topics are presented depending on the type of group attending the training, such as investigative techniques for detectives or fingerprint classification for identification officers. At the specialized level, programs such as hostage negotiation techniques, criminal psychology, anti-sniper and survival techniques, and bomb technician training are provided. At the supervisory and executive levels, training is provided in areas such as personnel administration, communications, management skills, planning, allocation of personnel, and budgeting.

In addition to providing classroom training, Field Police Training Program personnel frequently assist in developing training programs at the request of local agencies which do not have expertise in determining training needs, curriculum development, and finding instructional aids and resources. In many states, legislation has been passed mandating that representatives from the FBI serve on training commissions.

	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease		
	Anticipated			Perm.			Perm.			Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Forensic Services - Non-Federal	122	119	\$7,145	122	119	\$7,447	122	119	\$7,447	...	...	...

Long-Range Goal: To support the Non-Federal criminal justice system through a program which provides: (a) Specialized forensic science training to crime laboratory personnel (b) crime-scene training to law enforcement personnel and (c) cost-free examination of evidence and necessary court testimony for agencies which do not have access to crime laboratories or in complex cases which are beyond the capability of the local laboratory.

Major Objectives:

To fully utilize the Forensic Science Research and Training Center (FSRTC) to train additional state and local crime laboratory personnel to enhance the ability of jurisdictional laboratories to stay abreast of the rising forensic examination case load.

To share the results of successful forensic science research projects with state and local crime laboratories.

To provide a means for the Nation's crime laboratories to rapidly share ideas and information through publication of the "Crime Laboratory Digest."

To maintain leadership in the crime laboratory community by hosting the annual symposium on crime laboratory development and through attendance of various scientific meetings and symposia.

To provide professional, expeditious handling of requests for examination of physical evidence and sound, objective, expert testimony in cases submitted by state and local law enforcement which meet the criteria for FBI Laboratory examination.

Base Program Description: The Forensic Science Research and Training Center (FSRTC) uniquely combines forensic science research with forensic science training in a physical plant which has been painstakingly designed and equipped to meet the rigorous requirements of these activities. Federal, state and local crime laboratory and law enforcement personnel receive training in courses which have been carefully selected and developed after consultations throughout the law enforcement and crime laboratory communities.

The research staff is augmented with visiting scientists from the academic community and other government agencies, and the training staff is augmented, as necessary, with experts from the FBI Laboratory. Training is normally conducted at the FSRTC; however, due to a lack of travel funds and/or living accommodations at the FBI Academy, when proper training facilities exist, Laboratory instructors conduct specialized forensic schools in the field.

All requests for examination involving state and local matters are carefully screened. It is the policy of the FBI Laboratory to return requests from state and local laboratories when it can be determined that the contributing laboratory has the capability to perform the examination. State and local law enforcement agencies are encouraged to use jurisdictional laboratories when available.

The cases received include specific requests made by the contributor to conduct a wide range of forensic examinations on the physical evidence (specimens) obtained during the investigation of a crime. Requests are received in the Evidence Control Center where pertinent information concerning the request is recorded in a computer. The request is then assigned a priority for examination and assigned to a principal examiner. The examiner is totally responsible for the case — determining what examinations must be done to obtain the greatest technical information from the specimens, maintaining the chain of custody of the evidence, obtaining auxiliary examiners, supervising and conducting examinations, reading and assembling the results of other examiners and writing the final laboratory report. The examiner may be called upon to render expert testimony concerning the results of the examination in subsequent court proceedings.

Additionally, the FBI Laboratory participated significantly in the investigation and prosecution of ATKID, the investigation which involved the murders of young, black people in Atlanta, Georgia.

Accomplishments and Workload: Actual and estimated workload accomplishments for the Forensic Services - Non-Federal Program are set forth in the attached exhibits.

Item	Estimates	
	1983	1984
Requests for Examinations	6,592	6,374
Specimens Received	52,228	50,948
Examinations Conducted	301,301	226,354
Days Spent in Testimony	1,082	1,362
Hours spent on National Academy Training	4,200	4,200
Hours spent on Specialized Forensic Schools	20,448	23,296
	26,592	26,600
	45,999	5,854
	297,893	49,119
	9,025	308,775
	1,470	1,515
	4,200	4,200

Estimates	
1983	1984
4,550	4,550

1981	1982
480*	4,518

Hours devoted to Road Schools/Speeches/
Lectures/etc.

Other noteworthy accomplishments in the Forensic Services - non-Federal Program include:

The results of FBI forensic research, timely articles, and other valuable information were shared through publication of the "Crime Laboratory Digest." Issues of this publication are printed as necessary, usually six issues per year, and distributed to approximately six hundred Federal, state, and local crime laboratories and law enforcement agencies.

The FBI Laboratory hosted the 10th Annual Symposium on Crime Laboratory Development. This meeting brought together approximately 150 crime laboratory managers and directors from the United States and foreign countries for discussions concerning education, research, training, law enforcement liaison, and management techniques.

*1981 figure reflects training hours performed by the Forensic Science Training Unit. Subsequent year figures include training performed by entire division.

	1983 Appropriation		1984 Base		1984 Estimate		Increase/Decrease					
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount				
Fingerprint Identification	2,831	2,841	\$72,086	2,831	2,841	\$68,904	2,686	2,696	\$110,644	-145	-145	\$41,740

Long-Range Goal: To provide accurate and timely fingerprint identification and related services to Federal, state and local criminal justice agencies, as well as other governmental agencies and entities, as mandated by Federal statutes, regulations, and executive orders.

Major Objectives:

To provide fingerprint identification and arrest-record services on a timely basis.

To provide for the posting of wanted and parole/probation notices in Identification Division files at the request of criminal justice agencies, and for timely notification to interested agencies when there is arrest activity against the posted records.

To provide latent fingerprint examination and testimony services to Federal, state and local law enforcement agencies.

To provide fingerprint training to Federal, state and local law enforcement personnel.

To provide, as a humanitarian service, assistance to Federal, state and local governmental authorities in the identification of unknown deceased persons, including on-site assistance at major disasters.

To comply with applicable statutes, regulations, court decisions, and internal operating policies so as to insure the completeness and accuracy of Identification Division records. This includes the processing of court-ordered expurgements and purge requests from contributors, as well as urging contributors to submit disposition data.

To automate the work functions of the Identification Division in order to achieve greater efficiency, as well as operating-cost and personnel savings.

To support the development of the Interstate Identification Index (III), which is the Federal-state cooperative effort to decentralize to the states the responsibility for arrest recordkeeping and interstate exchange of their own arrest records.

Base Program Description: The FBI's Identification Division serves as the Nation's repository and clearinghouse for fingerprint records. In that capacity, the Division performs two primary functions: (1) it serves as a fingerprint identification index; and (2) it compiles and disseminates arrest records. Criminal justice agencies voluntarily submit arrest fingerprint cards and disposition reports from which the Division compiles criminal history records. Over 18,000 statutorily-authorized users submit arrest and applicant fingerprint cards, as well as name-check requests, for the purpose of determining whether persons being processed by the criminal justice system, or applying to engage in employment or licensed activity involving public safety and/or national security, have prior criminal records anywhere in the United States. Thus, the Division provides a single point where such determinations can be made without having to make 50 similar inquiries to the individual states.

In addition to its primary functions, the Identification Division: (a) serves as the repository for nonarrest ("civil") fingerprint cards relating to Federal Government employees, military personnel, aliens, and persons desiring to have their fingerprints on file for personal identification purposes; (b) posts wanted and parole/probation notices in its criminal records in order to notify criminal justice agencies when there is new arrest activity against such records; (c) performs examinations of physical evidence submitted by Federal, state and local law enforcement agencies for latent "crime scene" prints, and provides any required expert court testimony as to the results; (d) conducts training schools in fingerprint science for Federal, state and local law enforcement personnel; and (e) assists Federal, state and local government authorities in the identification of unknown deceased persons, including on-site assistance at major disasters.

Until recently, all of the services provided by the Identification Division were cost free to users. However, starting on October 1, 1982, the Division began charging a fee of \$12 for each applicant fingerprint card submitted by banking institutions, the securities and commodity futures trading industries, and state/local employment and licensing authorities. The charging of a fee, which represents the cost of providing the service, is in consonance with Administration policy. The fees that are collected are used to fill 571 reimbursable work-years and for other related expenses in providing the service. Specific authority has been included also in the Department of Justice's proposed authorization bill for 1984.

The work of the Identification Division has traditionally been highly labor intensive. Consequently, the FBI has, since 1967, pursued a program to research and develop the ways and means of automating the Division's work functions for the purpose of achieving greater efficiency, as well as operating-cost and manpower savings. Significant progress has been made in the program, including: the computerization of 6.7 million first-offender records and the use of automated name-searching procedures against them (now represents 48 percent of all name searching conducted by the Division); the invention and construction of automatic fingerprint reader equipment and its use in computerizing the inked fingerprints appearing on 15.7 million criminal fingerprint cards; the development of semiautomatic equipment to read (computerize) low-quality inked and latent "crime scene" fingerprints; the institution of automated fingerprint searching in 14 of the 23 searching units of the Division's criminal fingerprint file (now represents 58 percent of the fingerprint searching performed by the Division); and the development of a system concept for building the Automated Identification Division System - Phase III (AIDS-III), which will combine the automated capabilities developed to date into a fully integrated, highly efficient system.

Accomplishments and Workload: The accomplishments of the Fingerprint Identification Program are presented in the following table:

Item	Estimates			
	1981	1982	1983	1984
Fingerprint Cards Received.....	6,848,043	*5,769,847	7,213,000	7,574,000
Fingerprint Cards Processed.....	6,461,592	*5,977,937**	7,213,000	7,574,000
Correspondence (name checks, etc.)				
Received.....	4,565,993	4,009,671	4,210,000	4,421,000
Correspondence Processed.....	4,448,185	4,045,265**	4,210,000	4,421,000
Expedite and Special Requests				
Received and Processed.....	87,832	95,998	101,000	106,000
Expungements and Purge Requests				
Received and Processed.....	865,688	285,715	300,000	315,000
Disposition Reports Received.....	1,710,560	1,597,879	1,678,000	1,762,000
Disposition Reports Processed.....	2,516,807**	1,597,879	1,678,000	1,762,000
Interstate Identification Index				
Requests Received and Processed...	—	—	61,000	114,000
Fugitives Identified by Posting				
of Wanted Notices.....	27,052	*17,283	19,800	20,600
Suspects Identified by Latent				
Print Examinations.....	4,082	3,731	3,900	4,100
Latent Fingerprint Schools				
Conducted.....	44	66	70	75
Nonserious Offense Fingerprint				
Cards Purged.....	393,512	246,761	259,000	272,000
Communications Mailed.....	10,619,418	*9,359,364	10,982,000	11,531,000

*Figures directly affected by the reduction of 1.4 million fingerprint card requests due to a one-year suspension of Public Law (PL) 92-544 services

**Includes work carried over from prior year

During 1982, the Identification Division suspended PL 92-544 services, i.e., those to banking institutions and state/local employment and licensing authorities. Prior to taking this action, the Division's work situation was desperate, with fingerprint-card backlogs averaging over 400,000 cards and the time taken to process requests averaging 24 1/2 workdays. The purpose of the suspension was to avoid having to process approximately 1.4 million applicant fingerprint cards which would have otherwise been submitted by PL 92-544 users, thereby allowing the Division to concentrate its resources on providing better service to criminal justice agencies, the Division's highest priority users. Although numerous complaints were received from the users affected by the suspension, the action fully achieved its purpose. During 1982, the Division was able to better than halve the work backlogs and bring down the average time it took to process requests to 10 1/2 workdays. The greatly improved work condition of the Division allowed for the restoration of PL 92-544 services on October 1, 1982, as scheduled. The restoration of full services had not resulted in any significant increase in work backlogs or processing time through December 1982.

In addition to the work accomplishments depicted for 1982 in the statistical table, a computerized user-fee system for non-Federal applicant submissions was developed and placed into operation as of October 1, 1982. In order to reduce the burden on the FBI of handling these voluminous transactions, arrangements were made with 14 states and the District of Columbia for centralized submission and billing. Similar arrangements were made with the American Bankers Association, the stock exchanges, and the Commodity Futures Trading Commission in regard to submissions from those industries. The channeling agencies presently handle 88 percent of all non-Federal applicant transactions and are allowed to keep \$1 of the \$12 charged for each fingerprint card they handle to defray their "handling costs."

The Identification Division provided assistance in the identification of the victims of four major air disasters during 1982: the crash of an Air Florida Boeing 737 airliner at Washington, D.C., on January 13, 1982; the explosion and crash of an Air National Guard KC-135 "Tanker" aircraft near Greenwood, Illinois, on March 19, 1982; the crash of an Air Force C-130 "Hercules" transport aircraft in Turkey on April 13, 1982; and the crash of a Pan American World Airways Boeing 727 airliner at Kerner, Louisiana, on July 9, 1982. The Division also assisted in the identification of the victims of the crash of an FBI-leased Cessna 411 twin-engine aircraft at Montgomery, Ohio, on December 16, 1982, in which four FBI Special Agents lost their lives.

Program Changes: A decrease of 145 positions and an increase of \$41,740,000 are requested for 1984.

The decrease of 145 positions has been made possible as the result of personnel savings achieved through automation. A reduction of 200 positions was taken for 1983, bringing the total personnel reduction over a two-year period to 345 positions.

The increase of \$41,740,000 in 1984 is needed so that the Identification Division can continue with its automation program. Of that amount, \$40 million is needed to procure the Automated Identification Division System - Phase III (AIDS-III). AIDS-III is the culmination of the FBI's project to automate the Division's work functions which began 16 years ago. This third phase of the automation program involves hiring a contractor to take the computerized equipment, techniques, and files developed in the project's two earlier phases -- i.e., the automated arrest-record storage and retrieval capability of AIDS-I and the automated name-searching capability of AIDS-II -- and combine them with the capability to perform automated fingerprint searching. The end product will be a fully integrated, highly efficient system which will process fingerprint cards and name-check requests in an average time span of less than one workday.

The need for AIDS-III is well documented. Unless the Division acquires the faster processing capability of a system such as AIDS-III, it will never be able to achieve its long-range goal of providing timely fingerprint identification services. An average processing time of 10 to 15 workdays, which is achievable with the Division's existing partially-automated system, will not meet the growing demand for more timely identification information. Timely responses are vital to the effective operations of the Nation's criminal justice system, particularly in connection with Federal, state and local laws requiring prompt arraignments and/or speedy trials. Experience has shown that unnecessary delay in the processing of criminal justice requests results in the release of fugitives before their true identities are determined, impedes criminal investigations, and hampers prosecutorial, judicial, penal, and parole/probation actions. The Attorney General's Task Force on Violent Crime in its report of August 17, 1981, recommended that the Attorney General take "all steps necessary to reduce substantially the delay in the processing of criminal fingerprint applications," and "that the ongoing effort to computerize the fingerprint identification process...be accelerated." Unnecessary delay in the processing of applicant fingerprint cards also results in monetary losses and hardships in the employment and licensing sectors. The multimillion-dollar losses and the jeopardy to national security caused by delays in the processing of Department of Defense fingerprint cards were the subject of General Accounting Office (GAO) Report No. GGD-81-105 dated September 15, 1981. In that report, GAO recommended that the Attorney General "expedite implementation of the proposed automation program in" the Division.

AIDS-III is also needed if the Identification Division is to properly support the development of the Interstate Identification Index (III), which is the Federal-state cooperative effort to decentralize to the states the responsibilities for arrest recordkeeping and interstate exchange of their own arrest records. The Division has major responsibilities under the III concept, including: (a) serving as the III's national fingerprint index; (b) coding and entering III name-index records into the National Crime Information Center computer; (c) acting as a "51st state" in being the recordkeeper for Federal offender records; and (d) serving as the surrogate recordkeeper for states that are not participants in the III. An average processing time of 10 to 15 workdays is incompatible with the rapid on-line computer inquiry and response requirements of the III, but the under-one-workday average processing time achievable through AIDS-III would allow the Division to efficiently and effectively carry out its III responsibilities. The AIDS-III system concept has been designed to be fully compatible with the III and to also take into account any changes in the Division's workload resulting from the III's development.

Under a contractual arrangement with the National Aeronautics and Space Administration, the Jet Propulsion Laboratory (JPL) has completed an independent and objective study of the feasibility of automating the Identification Division's work functions, including an extensive review of the AIDS-III system concept. JPL has reported that the automation program is technically, economically and operationally feasible, and has pointed out the substantial performance and cost benefits to be gained.

The AIDS-III system concept has been improved by recommendations made by JPL and is now ready to be implemented. A procurement plan and installation timetable have been developed. The plan calls for a contract to be awarded in 1984 for the acquisition of AIDS-III, with the system to be completed as early as the last quarter of calendar year 1987 or the first quarter of calendar year 1988. Since the procurement schedule is very tight, authority is requested for \$40 million to be available through September 30, 1985, in the event that the contract award date is delayed until 1985 due to uncontrollable circumstances.

The \$40 million needed for AIDS-III is further broken down as follows: \$2,543,000 for program management; \$3,425,000 for system engineering and design; \$5,824,000 for subsystems design and development; \$17,779,000 for procurement of standard computer and data entry equipment; \$2,912,000 for procurement of nonstandard equipment; \$3,436,000 for system support and checkout; \$1,000,000 for training of personnel; and \$3,081,000 for site and facilities preparation.

An additional \$1,740,000 is being requested for equipment and services needed to support and maintain work operations that have already been automated, e.g., upgrading of existing automated fingerprint-reading equipment, additional computer terminals and data storage devices, spare parts, equipment maintenance contracts, etc.

	1983 Appropriation Anticipated			1984 Base			1984 Estimate			Increase/Decrease		
				Perm.			Perm.			Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Criminal Justice Data and Statistics Services.	197	192	\$6,962	197	192	\$7,250	197	192	\$7,250	...	...	...

Long-Range Goal: To generate reliable statistics for use in law enforcement administration, operation, and management, and to improve the overall effectiveness of the criminal justice system through more efficient handling and exchange of documented criminal justice information.

Major Objectives:

Uniform Crime Reporting (UCR)

To provide training, technical consultation, and assistance to state and local law enforcement officials in developing and maintaining accurate data in compiling UCR crime statistics on a monthly, semiannual, and annual basis.

To review incoming UCR statistical reports and technical inquiries, develop quality control standards and uniform terminology, and exchange research ideas.

To collect, record, analyze, publish, and report detailed and comprehensive data as contained in the "Law Enforcement Officers Killed," "Assaults on Federal Officers," and the "Bomb Summary" programs.

To comply with the Congressional mandate to compile and tabulate information regarding reports of parental kidnapping and arson.

To provide statistical crime analysis and research in response to requests from academicians and legal, Congressional, and law enforcement officials.

To publish nationwide crime statistics on a semiannual and annual basis.

National Crime Information Center (NCIC)

To provide a nationwide telecommunications system for the storage and dissemination of documented information concerning wanted and missing persons, stolen property, criminal histories, and laboratory comparison standards.

To manage the NCIC with the advice of the NCIC Advisory Policy Board and Regional Working Groups.

To provide record quality assurance, training, legal, and legislative review services.

To develop modifications and enhancements of the NCIC system to maximize responsiveness.

To develop a nationwide system for the exchange of computerized criminal history information.

Base Program Description: Uniform Crime Reporting (UCR) - The UCR Program contributors compile and submit crime data either directly to the FBI or through established state UCR programs. Law enforcement agencies which submit data directly to the FBI

are provided training and guidance from UCR personnel. With a fully operational state UCR Program, the FBI ceases collection of data directly from individual law enforcement agencies within the state. Completed statistics are reviewed, edited, and forwarded from state UCR Programs to the national UCR Program.

Data collection is based on a Crime Index composed of the offenses of murder, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, and arson. Each contributing agency reports the number of offenses and clearances by Crime Index category. Supplemental reports are also provided by contributors, which include detailed information on the nature of the offense, value of property stolen in each Crime Index classification, as well as the value of loss in arson offenses, and the value of stolen and recovered property by type. Additional data are furnished concerning the age, sex, race, and ethnic origin of persons arrested by each agency and details concerning law enforcement officers assaulted. Extensive information is furnished regarding each murder case. On an annual basis, each agency reports its employee strength and the population in its jurisdiction.

Twelve monthly reports and one annual report are submitted by each agency. To insure an accurate compilation of statistics, the FBI has internal procedures of editing and reviewing individual agency reports for accuracy, reasonableness, and reliability; makes direct contact with individual contributors within the state when necessary; and conducts training programs within the state on law enforcement records and crime reporting procedures. When arithmetical, logical, or correlating errors are discovered, correspondence to the contributing agency is initiated, which generally results in resubmission of the reports. An analysis of processed reports has determined that approximately seven percent are erroneous and must be resubmitted by the agency.

In addition to internal verification practices, the UCR Program provides extensive training seminars, instructions, and materials in UCR procedures. The instruction afforded law enforcement agencies explains the purpose of the program and offers methods of assembling information and remedial instructions for specific problems in the compilation of statistics. UCR newsletters and bulletins are mailed to contributing agencies periodically to keep them abreast of current UCR procedures and guidelines.

The national UCR Program conducts substantive crime analyses, publishes the results of research and statistical findings, develops analytical models relating to the nature of crime and criminal activities and evaluates the quality and utility of UCR data.

There are several special UCR programs at the local and Federal levels for which statistics are compiled and reports published. Detailed data collection on law enforcement officers killed is compiled and published annually. Limited analysis is conducted on these data to provide insights into the nature of incidents which result in the felonious killing of law enforcement officers.

In coordination with the National Bomb Data Center, local law enforcement agencies, FBI field offices, and the Department of the Treasury, statistics, along with detailed information, are compiled, on bombing incidents, and an annual publication is prepared.

UCR has designed and implemented a program for arson data collection, and will be preparing statistics and reports on arson and the parental kidnapping offense.

National Crime Information Center (NCIC) - The NCIC addresses the need of the criminal justice community to exchange information in an accurate and timely manner. NCIC provides an interstate teleprocessing system to exchange documented criminal justice information on wanted and missing persons, stolen property, criminal histories, and laboratory comparison standards. The availability of this information increases the opportunity to locate wanted persons at large in the Nation, missing persons who may be a danger to themselves or others but who are not criminals, missing children, and stolen property which otherwise might never be returned to the rightful owner. In addition, the timely availability of Computerized Criminal History (CCH) information to prosecutors, judges, correctional officers, and law enforcement officers protects the American public by permitting fully informed decisions in the following matters: law enforcement investigations; booking and record requirements; pretrial decisions relative to intervention; diversion or career criminal processing; presentence investigation concerning flat term and minimum sentencing laws; risk classification for custody and supervision; bond decisions; and parole and probation decision making. The national security is also protected through NCIC use in the investigation of potential and current Federal employees. State needs for applicant and licensing checks in sensitive areas or those requiring regulation are also aided.

The NCIC system is composed of the following FBI computer resources: an NAS 5000 processor with an NAS 5000 backup; a fully redundant telecommunications front-end system using two CC-80 processors with disc and magnetic tape peripherals; and two and one-half 3330 disk banks with five 7830 control units. The telecommunications lines are linked to a state control terminal agency in each state which in turn is connected to terminals in police departments, sheriffs' offices, Federal law enforcement agencies, and other criminal justice agencies throughout the state.

The NCIC is a cooperative effort among criminal justice agencies of all levels and, therefore, requires a unique approach to the management of the system. The FBI Director is advised on policy and operational matters by the NCIC Advisory Policy Board and Regional Working Groups. The Board consists of 20 elected law enforcement officials and six Director-appointed criminal justice officials. The Regional Working Groups are divided into four geographical regions in the United States and are composed of one state control terminal agency representative from each state and six elected local representatives from the region at large. Topic matters are generally discussed at the Regional Working Group level first, then referred to the Board for final recommendations to the FBI Director. The Advisory Policy Board Charter states that the Board will meet at least twice a year. The Regional Working Groups likewise meet regularly twice a year. The Board has recently taken a more aggressive role in determining the future course of NCIC by appointing Ad Hoc Subcommittees on Planning and Evaluation, Statistical Measurement of NCIC Benefits, and Quality Assurance.

The NCIC staff contributes to the integrity of NCIC records through quality control efforts on records which are not edited automatically. Sampling of records is conducted to detect errors requiring correction. The NCIC staff also provides training to state control agencies to insure records are being entered correctly as well as being utilized for the purpose intended. Legal and legislative review services are also provided to insure that NCIC is operated consistent with existing state, local, and Federal laws impacting NCIC. The NCIC continually reviews NCIC use and modifies or enhances the system to maximize the responsiveness of the system to NCIC users. NCIC users are kept informed regarding these matters through NCIC publications.

During 1983, the FBI will continue to evaluate the feasibility of the Interstate Identification Index (III) concept for decentralization of criminal history record maintenance and dissemination utilizing an FBI maintained central index. Under this concept, when inquiries match records from an III participating state, the III will notify the state so that it can reply to the inquiries. Initial evidence developed in the first part of Phase One of a pilot test is very favorable. It is anticipated that formal evaluation of the pilot data by a broad-based committee will expand the pilot program to additional states. At least ten states will become pilot states in 1983. Federal offender records will continue to be maintained on-line in a "Federal Offender File."

Accomplishments and Workload:

Uniform Crime Reporting (UCR) - The UCR Section has been reassigned from the Records Management Division to the Office of Congressional and Public Affairs. The program continues to make progress in achieving its planned objectives. In the Crime Statistics Processing Unit, the main nucleus for processing data, workload and performance is directed toward production of the annual publication, Crime in the United States. To accomplish its goal, during 1982, over 1,400,000 monthly UCR statistical and related reports were reviewed and processed by this unit. Major goals and objectives were accomplished during the fiscal year within established time frames. Since current census bureau population reports had not been released in time for the annual publication, it was necessary for this unit to implement alternate plans and estimate the population necessary for compiling per capita crime rates for the more than 15,000 contributors of the UCR Program.

The UCR Staff assisted in the identification of topics and areas to be included in an evaluation of the UCR Program. To insure that program participants are kept informed of the evaluative process, the annual publication "Crime in the United States" has included a narrative portion titled "Recent Developments" to officially inform users about program changes and developments of the year.

To further develop a crime analytic capability within the UCR Research and Analysis Unit, expansion in major research areas has included: Analysis of Violent Crime in the United States; Identifying Social and Demographic Factors Associated with Homicide Rates; Publication of an article, "Murder Victimization: A Statistical Analysis," in the FBI Law Enforcement Bulletin; Development of an Analytical Model Related to National Crime Surveys; and Preparation of the National Indicators Systems Briefer's Book.

The UCR Special Programs Unit met publication deadlines for its three publications, "Bomb Data Summary," "Assaults on Federal Officers," and "Law Enforcement Officers Killed." The publication formats were more informative and consolidated increased data. In-house printing defrayed interagency government costs. The collection of data concerning the offense of parental kidnapping was mandated by Congress in December 1980. Collection procedures have been implemented and the necessary computer support has been developed. Two reports have been submitted to the Department of Justice for consideration and evaluation of the status of parental kidnapping data efforts.

The UCR Training, Liaison, and Program Development Unit conducted training in virtually every state, meeting with over 7,000 local law enforcement personnel. Despite reductions in budgetary allocations to UCR reporting programs, especially in the area of training, national training representatives continued to fill the void where state trainers were unable to fulfill training responsibilities. Because of national training efforts, to a large degree these initiatives were instrumental in saving several state UCR Programs from extinction due to budgetary restrictions.

The UCR Program continues to improve its in-house training. Within the past year, 60 in-house personnel were trained in crime reporting methodology, analysis, and procedures. The Crime Statistics Processing Unit supervisors received additional training in management and performance appraisal techniques.

This activity includes the management, administrative support, legal, planning, evaluation, inspection, and financial functions of the FBI.

	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease	
	Perm. Pos.	WY Amount		Perm. Pos.	WY Amount		Perm. Pos.	WY Amount		Perm. Pos.	WY Amount
Executive Direction & Control.....	487	\$22,329		487	\$23,393		487	\$23,393		---	---

Long-Range Goal: To provide effective leadership management, direction, and control for the Federal Bureau of Investigation.

Major Objectives:

To provide leadership for the FBI in support of the organization's long-range goal through the promotion of high morale and efficient commitment of human and material resources.

To prepare all required budget submissions and financial data reports related to budget execution in a timely manner.

To provide legal guidance and representation to all FBI personnel in administrative and personnel matters; provide legal counsel and defense of civil litigation and administrative claims involving the FBI, its personnel, and records; and provide constancy of legal training for all FBI investigative personnel.

To be responsive to Congressional inquiries and provide appropriate liaison to various Congressional committees.

To carry out audits, inspections, and evaluations of FBI programs to insure their economic value and effective compliance with objectives, applicable laws, and regulations.

To insure the public's understanding of the FBI's obligations, services, and accomplishments for the purpose of intensifying its essential cooperation.

To insure that FBI personnel conduct the organization's activities in a proper and professional manner.

Base Program Description: The Director with the advice and counsel of the FBI's Executive Assistant Directors and members of the Executive Conference sets policy and provides leadership and direction to the organization. The Executive Assistant Directors with the assistance of their respective staffs transmit policy statements, guidelines, and other managerial information down to the Assistant Directors who direct the daily operations of the Headquarters Divisions. The budget and financial management personnel analyze and maintain financial information in order to formulate, present, and execute the FBI's budget in accordance with all applicable Government guidelines and regulations. Legal Counsel objectives are carried out by professional and experienced special agent attorneys with able support from paralegal specialists with the purpose to provide timely and accurate legal advice to FBI leadership concerning legal aspects of administrative and personnel management and address such issues as may arise during ongoing investigations conducted in the field and at FBIHQ. FBI personnel are informed of their obligations and responsibilities through legal instruction, research, advice and the publication of articles.

Close daily liaison is maintained with the Department of Justice regarding the defense of civil litigation, disclosure of records under the Freedom of Information and Privacy Acts, EEO and MSPB matters, as well as representation of FBI concerns and legislative needs. The Congressional Affairs program coordinates responses to legislative inquiries both from the Congress and the Department of Justice and insures that issues and questions raised by the Congress, the Attorney General and other Department of Justice personnel are completely resolved. The personnel in the Inspection, and Program Analysis and Evaluation Programs conduct continuous audits, inspections and evaluations on the FBI's investigative and administrative activities and programs to determine if existing policies, procedures and operations meet present and anticipated requirements and whether they are efficiently, economically, and effectively performed. Public awareness of FBI responsibilities and accomplishments is enhanced by the Public Affairs, and Correspondence and Tours programs. The personnel in these programs handle liaison with the media and the Department of Justice Public Information Office, prepare press and periodical summaries, articles and statements as well as briefing data for the Director, manage the Crime Resistance Program and coordinate the Bureau-wide Information Program. In addition, the personnel in these programs are responsible for the publication of the Bureau-wide Information answering mail and conducting public tours at FBI Headquarters.

Accomplishments and Workload: Accomplishments and workload of the Executive Direction and Control program are presented in the following table:

Item	Estimates		
	1981	1982	1983
Radio scripts, press releases, statements and summaries	33,385	36,487	36,487
Law Enforcement Bulletin (LEB) (Readership)	320,012	400,000	400,000
Speeches by Director	56	57	57
Assistance to media in major feature articles	124	221	221
Testimony, constituent requests, and investigative liaison, completed	3,166	3,931	3,931
Bureau publications disseminated	800,318	982,506	982,506
Tourists	523,275	520,406	520,406
Items researched	46,323	51,044	51,044
Title III, FISA, and undercover applications reviewed;	736	830	952
FCI Consensual Monitorings; and FCI beeper and CCTV requests	1,937	3,265	3,913
Unassigned Consultations	464	504	405
Priority Research Projects Completed	3,200	3,200	3,300
Instructional Hours Requested	3,280	3,918	4,506
Body Recorders	267	301	352
Civil Actions and Appeals Handled	246	313	257
Administrative Claims Handled			

In 1982, over 79,000 items of correspondence were processed with over 980,000 individual publications disseminated to the public and law enforcement agencies. Over 70,000 pages were reviewed before they were sent to the American public, foreign writers, and high level government officials.

Over 520,000 visitors toured FBIHQ. Tours were arranged in response to requests from members of Congress, VIPs, and the American public. These tours enable them to learn more about the FBI and its mission.

The Congressional Affairs Section continued to respond to Congressional inquiries in an expeditious manner.

Within the present staffing level, an increased emphasis has been placed on responding to Minority Media needs by assigning a female Black Special Agent, male Hispanic Special Agent, and a male Asian-American Special Agent to the Public Affairs Program.

During 1982, the Internal Inspections Program conducted inspections of 29 field offices, three Headquarters divisions, and three Legal Attaches. During the same reporting period, the program issued 1,585 instructions and recommendations. Of that total, 459 were instructions relating to compliance deficiencies. The remaining 1,126 recommendations related to the efficiency, effectiveness, and economy of the administrative, financial and/or investigative operations of the inspected entities. A total of eleven EEO complaint investigations and four administrative inquiries were also conducted during 1982. In addition, an inquiry was conducted in conjunction with the Department of Justice inquiry of the Borders/Hastings case. All mandated responsibilities of the program were discharged on a timely basis.

During 1982, Program Evaluations and Audits completed and reported four program evaluations which had been initiated during 1981. These were the Organized Crime, Terrorism, Fingerprint Identification, and Administrative Services Programs. In addition, the Forensic Services Program Evaluation was initiated and completed during 1982. Also initiated and substantially completed were the General Property Crimes Program Evaluation, Informant Development and Operation Study, and Management of Resident Agencies Study. The program conducted 40 financial audits of FBI field offices during 1982. Five audits of FBIHQ funds and systems were completed and seven undercover operations were audited. These audits are an integral part of the effort to combat waste, fraud, and abuse and to insure effective control and accountability are maintained for all funds, property, and other assets. The financial audits are performed to comply with the Budget and Accounting Procedures Act of 1950, Office of Management and Budget Circular A-73, and Department of Justice Order 2900.5.

The Budget Program prepared all regularly required budget submissions and justifications and briefed top management on their content, prepared all financial and execution reports required internally and externally and conducted surveys and allocated support personnel complements for the 59 field offices of the FBI. On January 28, 1982, the Attorney General delegated to the FBI concurrent investigative jurisdiction with DEA in the enforcement of the Controlled Substances Act (Title 21, U.S. Code). Consequently, in 1982, the General Legal Program analyzed operational forfeiture provisions available to the FBI in the enforcement of the criminal drug laws and proposed and assisted in implementing a two-staged approach under which the FBI can shift to handling its own forfeitures without DEA assistance. With the participation of DEA attorneys, this program planned, administered and conducted special in-service training regarding legal aspects of the law and investigative techniques for FBI Principal Legal instructors. Major legal research projects to develop or clarify policy and procedures for the use of sophisticated investigative techniques include (1) adoption and clarification of procedures for drafting applications for Title III electronic surveillance, and (2) a policy regarding procedures to be followed in the event of the arrest of an undercover agent. In 1982, a considerable amount of time was expended in reviewing documents, researching relevant areas of the law, and preparing responses for Congressional inquiry into ABCAM and other undercover operations, as well as assisting FBI executives and the Director, who testified before the Senate Select Committee to Study Law Enforcement Undercover Activities of Components of the Department of Justice.

In the Civil Litigation Program, a task force was organized in connection with the civil action National Lawyers Guild vs. United States, to respond to court orders for massive discovery and prepare for trial. This task force was successful in its efforts to have individually named defendants dismissed from this suit. The greatest strain on personnel in this program continues to be a core group of twenty civil actions in litigation from three to ten years, some now approaching trial. In mid-1982, the Justice Department informed Legal Counsel Division that communications between special agent defendants and Legal Counsel attorneys fell under the "attorney-client" privilege, a decision that has allowed a more active part in the defense of

civil actions filed against FBI employees. Also in 1982, a decision favorable to the Government was rendered in an appeal before the D.C. Circuit Court, argued by an agent attorney in this program as "the attorney of record." This further attests to the high quality of legal expertise within the litigation program.

	1983 Appropriation		1984 Base		1984 Estimate		Increase/Decrease	
	Perm.	WY Amount	Perm.	WY Amount	Perm.	WY Amount	Perm.	WY Amount
Administrative Services.....	758	654 \$19,559	758	740 \$24,460	758	740 \$24,460	...	...

Long-Range Goal: To maintain the FBI as a functional entity by providing a complete range of administrative services.

Major Objectives:

To meet all mandated requirements for the Salary Administration System, Performance Appraisal and Merit Pay Systems, and Position Management functions of the FBI.

To provide a full range of personnel administration services.

To provide all disbursement and procurement services.

To provide graphic and printing services.

To manage all space management operations of the FBI, to include acquisition, management, and release of space.

To provide all health and safety programs as well as operate all employee assistance programs.

To meet personnel needs effectively and to hire on an expanded basis qualified minority and female special agents and support personnel.

To provide an effective equal employment opportunity program.

Base Program Description: The Administrative Services program provides to the FBI on a nationwide basis all administrative services which are ongoing organizational functions vital to the continued operation of the FBI as an entity. These functions are performed under the Personnel Services program element, the General Services Support program element, and the Systems Support program element.

The objectives of the Personnel Services program element are accomplished through a central Personnel Section located at FBI Headquarters. Functions within the Personnel Section are categorized and handled within separate units with the front office providing overall direction and control of the various program functions. A computerized Personnel Information System (PINS) is used along with a semi-automated special agent selection system for applicants. A team concept is used for pay and position management matters. The Office of Equal Employment Opportunity Affairs reports directly to the Assistant Director of the Administrative Services Division to emphasize the importance and priority of accomplishing the objectives of the program.

The objectives of the General Services Support program element are accomplished through: effecting on a timely basis the daily supply, warehousing, and labor services requests; updating, reviewing, coordinating space alterations, occupancy modifications and moves at FBI Headquarters; the FBI's assumption of authority to perform custodial and maintenance services at FBI Headquarters; the use of modern offset equipment in the printing of forms, wanted flyers, and other materials; the expansion of the Security Access Control System at FBI Headquarters; the quarterly review of all SIAC levied by GSA; the administration of all procurement, contract, and property management for the FBI, as well as the movement of household goods concomitant to transfers; the inventory, issuance and tracking of all special property; and the repair of equipment.

The objectives of the Systems Support program are accomplished through: the processing of vouchers, advancing of funds, preparing and distributing the payroll, processing salary checks, maintaining and distributing cost accounting data, and performing audit functions for leave and pay records; the use of technical personnel to study all functions within the Administrative Services Division in order to devise new systems and procedures for more efficient handling of work; the training and assignment of personnel to improve methods of handling the work; changes in the day-to-day operational procedures to effect greater efficiency.

Accomplishments and Workload: Accomplishment of the Administrative Services program are presented in the following table:

Item	Estimates			
	1981	1982	1983	1984
EEO complaints processed.....	18	25	27	30
Performance ratings, recognition, and awards matters processed.....	26,739	52,212	54,287	38,458
Official transfers completed.....	1,617	1,442	1,600	1,600
Household goods shipments processed.....	937	732	1,300	1,300
Federal Procurement Data System Forms created.....	16,869	17,632	20,000	23,000
Issued Property Actions completed.....	3,218	7,185	9,000	11,000
Printing and Reproductions accomplished.....	65,291,104	64,546,993	58,092,294	48,419,246
Labor Services performed.....	3,900	3,900	4,000	4,000
Payroll actions processed.....	169,000	169,107	169,100	169,100
Salary and expense checks, and savings bonds distributed.....	362,000	364,000	364,000	364,000
Vouchers processed.....	210,000	229,000	240,000	240,000
Special inquiries and surveys processed.....	2,736	2,725	2,750	2,750

Additionally, during 1982, the Personnel Services program element completed 2,149 position classification actions and approximately 36,300 miscellaneous personnel actions in connection with employment forms, leave, transfers, etc.

Further, the General Services Support program element processed 17,698 purchase orders and 16,155 orders with the General Services Administration for a variety of commodities; established an Automotive Management Unit to develop an overall program of professional management of the FBI's vehicle resources; provided complete space management services for approximately 6.4 million square feet of space holdings which included 104 requests for additional space, release or relocation of space, and 527 requests for space modifications at both FBI Headquarters and in the field. The program provided direction in the preparation of specifications for future relocations of three field divisions and for extensive renovation projects in three other field divisions.

Finally, the System Support program element processed 101,231 administratively uncontrollable overtime records and 50,038 other miscellaneous payroll actions; formed a financial systems subunit to assist in enhancing the automation of the FBI's Financial Management System and processed in excess of 1,300 requests for advanced funds for undercover and other operational expenses.

Federal Bureau of Investigation

Salaries and expenses

Priority Rankings

<u>Base Program</u>		<u>Program Increases</u>	
<u>Program</u>	<u>Ranking</u>	<u>Program</u>	<u>Ranking</u>
Other Field Programs	1	Technical Field Support and Equipment	1
Executive Direction and Control	2	ADP and Telecommunications	2
Administrative Services	3	Fingerprint Identification	3
Organized Crime	4	Other Field Programs	4
Terrorism	5	Terrorism	5
White-Collar Crime	6		
Records Management	7		
Forensic Services - Federal	8		
Fingerprint Identification	9		
Technical Field Support and Equipment	10		
Training	11		
ADP and Telecommunications	12		
Legal Attaches	13		
Forensic Services - Non-Federal	14		
General Law Enforcement Training	15		
Criminal Justice Data and	16		
Statistics Services			

Federal Bureau of Investigation
Salaries and Expenses
Detail of Permanent Positions by Category
Fiscal Years 1982 - 1984

Category	1982 Authorized	1983 Authorized	1984	
			Program Increase/(Decrease)	Total
Criminal Investigation.....	7,844	7,883	245	8,128
Fingerprint Identification.....	1,384	1,184	-145	1,039
General Admin. Clerical and Offices Services.....	7,374	7,386	361	7,747
Other.....	2,854	3,026	...	3,026
Total.....	19,456	19,479	461	19,940
Washington.....	7,602	7,481	50	7,531
U. S. Field.....	11,797	11,941	411	12,352
Foreign Field.....	57	57	...	57
Total.....	19,456	19,479	461	19,940

Federal Bureau of Investigation
Salaries and expenses
Summary of Adjustments to Base
(Dollars in thousands)

	Permanent Positions	Work-years	Amount
1983 as enacted.....	19,307	18,824	\$825,154
Transfer from GSA for building maintenance.....	172	86	...
Supplemental requested:			
1983 pay supplemental requested:			Amount
Increased pay costs.....			\$23,671
Medicare costs.....			5,271
Amount absorbed.....			-777
Net pay supplemental.....	...	...	28,165
1983 appropriation anticipated.....	19,479	18,910	853,319
Uncontrollable increases:			
Annualization of 1983 pay increases.....	...	...	696
Annualization of Medicare costs.....	...	...	1,632
Within-grade increases.....	...	...	5,903
Health benefits costs.....	...	...	1,508
Federal Employees' Compensation Act (FECA)-Workers' Compensation.....	...	...	960
Standard Level User Charges (SLUC).....	...	...	9,650
GSA recurring reimbursable services.....	...	...	1,130
Federal Telecommunications System (FTS).....	...	...	1,521
GPO printing costs.....	...	...	59
Telecommunications costs.....	...	...	2,346
General pricing level adjustment.....	...	...	6,704
Personnel related items to maintain current program level.....	...	...	8,840
Upgrading field support positions.....	...	...	1,040
Annualization of positions transferred from GSA in 1983.....	...	86	...
Total uncontrollable increases.....	...	86	41,989
Decreases:			
One less compensable day.....	...	...	-2,222
Nonrecurring cost for change in hourly rate.....	...	...	-1,697
Nonrecurring costs for equipment.....	...	...	-4,176
Nonrecurring AIDS studies.....	...	...	-2,072
Total decreases.....	...	...	-10,170
1984 Base.....	19,479	18,996	885,138

Federal Bureau of Investigation			Work- years	Amount
Salaries and expenses				
Justification of Adjustments to Base (Dollars in thousands)				
<u>Uncontrollable increases:</u>				
1. Annualization of 1983 pay increases.....			...	\$696
This provides for the annualization of the October 3, 1982, pay increases contained in Executive Order 12387 and the Executive level pay increase contained in P.L. 97-377 dated December 21, 1982.				
2. Annualization of Medicare costs.....			...	1,632
This provides for the annualization of Medicare tax which for Federal employees became effective with wages paid after December 31, 1982.				
3. Within-grade increases.....			...	5,903
This request provides for an expected increase in the cost of within-grade salary increases. This increase is generally consistent with increases experienced in recent years and is approximately one percent above the base for compensation and related benefits for permanent employment. (Personnel compensation \$5,425,951 and benefits \$477,092 = \$5,903,043.)				
4. Health Benefits Costs.....			...	1,508
The Federal Employees' Health Benefits Act (P.L. 93-246) provided that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. Effective January 1, 1982, the health insurance carriers raised their rates by approximately 13 percent. An additional \$1,508,000 is required in 1984 to cover these increased rates. This requirement was computed as follows:				
)	
			Employer's Contribution Pay Period Ending 1/23/82 - \$509,744.67	
			Employer's Contribution Pay Period Ending 1/9/82 - 451,729.11	
			Difference	
			\$58,015.56	
			<u>\$58,015.56</u>	
			\$58,015.56 x 26 = \$1,508,404.56	
5. Federal Employees' Compensation Act (FECA) - Workers' Compensation.....			...	960
This request reflects the billing provided by the Department of Labor for the actual costs in 1982 of employees' accident compensation. The 1984 amount will be \$3,240,000 or \$960,000 over the 1983 estimate of \$2,280,000.				

	Work- years	Amount
6. Standard Level User Charges (SLUC).....	...	\$9,650
P.L. 92-313, Public Buildings Amendments Act of 1972, authorizes and directs the Administrator of the General Services Administration to charge for the use of space furnished. An increase of \$9,650,000 is required in 1984 to pay for space to be occupied at the end of 1983.		
7. GSA recurring reimbursable services.....	...	1,130
Payments for heating, ventilation, air conditioning, and guard service over normal requirements are made to GSA on a reimbursable basis. An increase of 25 percent in 1984 based on 1983 estimated costs of \$4,520,000 yields an uncontrollable increase of \$1,130,000.		
8. Federal Telecommunications System (FTS) rate increase.....	...	1,521
The FTS increase reflects the advance billing provided to the Department of Justice by the General Services Administration. In 1984 the uncontrollable increase will be \$1,521,000 over the 1983 base of \$3,287,500.		
9. GPO printing costs.....	...	59
The Government Printing Office (GPO) is currently projecting a five percent increase over the 1983 printing costs of \$1,184,675. An additional \$59,234 will be required in 1984.		
10. Telecommunications costs.....	...	2,346
Industry publications, notably "Telephony" and "Business Communications Review," have published tariff increases since the beginning of 1982 ranging from 7 to over 17 percent. These increases are in addition to AT&T's general rate increase of 16 percent and private line tariff increases of 16.4 percent in 1981. Based on these uncontrollable tariff increases a conservative increase of 12 percent for basic-telephone services, long distance calls and data communications services is projected for 1984. An additional \$2,346,000 is required to cover these increases.		

Work- Years	Amount
...	\$6,704

11. General pricing level adjustment.....
- Specific price increases are being shown and requested where feasible. There are, however, areas to which the general pricing level adjustment is being applied. These are as follows:

Object Class	General Pricing Level Adjustment
Travel and transportation of persons.....	\$688,000
Transportation of things.....	267,000
Communications, utilities and other rent.....	857,000
Other services.....	666,000
Supplies and materials.....	1,588,000
Equipment.....	2,658,000
Total.....	<u>\$6,704,000</u>

12. Additional personnel related items to maintain current program levels.....

...	8,840
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Historically, the FBI sought and was granted funds for additional personnel at entrance rates (GS-10 entrance rates for agents and GS-3 and GS-4 entrance rates for support personnel). Ultimately, all agents will attain at least the journeyman level of GS-13. Through fiscal year 1976 funds were granted to provide for promotions projected to occur during the year. Since 1976 only those funds associated with within-grade increases have been allowed as an uncontrollable increase. The disallowance of funds for promotions, compounded by the fact that personnel cuts that have occurred in the intervening years were made at rates above entrance levels, has resulted in a deficiency in personnel compensation funds required to support authorized workyears.

Through fiscal year 1981 this presented no major problem inasmuch as year-end ceilings and hiring freezes prevented realization of authorized workyears. The funds available for personnel compensation were, however, fully utilized.

The cumulative effect of not having funds for promotions and the use of higher than entrance level rates when computing personnel reductions resulted in a \$5.2 million deficiency in personnel compensation. In addition, it is estimated that \$3.6 million will be required for promotions to be granted in fiscal year 1984.

	Work- years	Amount
13. Funds required for upgrading field support positions.....	...	\$1,040
Based on a recent position classification study, a total of approximately 400 field support positions have been proposed for upgrading. The request for these upgrades will be forwarded to the Office of Personnel Management. An additional \$1,040,000 will be required in 1984 to provide for these upgrades.		
14. Annualization of positions transferred from GSA in 1983.....	86	...
In 1983 GSA transferred 172 positions and 86 workyears to the FBI for maintenance of the JEH Building. A total of 86 workyears is required for annualization in 1984.		
Total uncontrollable increases.....	86	41,989
<u>Decreases (automatic non-policy):</u>		
1. One less compensable day.....	...	-2,222
There are 260 compensable days in 1984 compared to 261 in 1983. This adjustment represents salary and related benefits costs for one day.		
2. Nonrecurring cost for change in hourly rate.....	...	-1,697
This provides for an overall pay adjustment that results from a change in the basis for computing pay. Currently, pay is computed on the basis of 260 workdays or 2,080 hours, Section 310 (b) (1) of the Omnibus Reconciliation Act of 1982 requires that for 1984 and 1985 pay be computed on the basis of 2,087 hours.		

895

	<u>Work- years</u>	<u>Amount</u>
3. Nonrecurring costs for equipment.....	...	-4,176
An amendment to the 1983 request contained funds for equipment related to the FBI's increased jurisdiction in drug investigations. A total of \$4,176,000 is being nonrecurred.		
4. Nonrecurring AIDS studies.....	...	-2,075
An amendment to the 1983 request contained funds for AIDS studies. The entire amount of \$2,075,000 is being nonrecurred.		
Total decreases.....	...	-10,170
Total adjustment's to base.....	86	31,819

Federal Bureau of Investigation
Salaries and expenses
Financial Analysis - Program Changes
(Dollars in thousands)

Item	Criminal, Security, and Other Investigations			Investigative Support			State and Local Assistance			Total		
	Terrorism			ADP & Tele-communications			Fingerprint Identification					
	Pos.	Amount	Other Field Programs	Pos.	Amount	Technical Field Support & Equip.	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades												
GS/GM-15.....	...	...	...	...	1	\$54	...	...	...	...	1	\$54
GS/GM-14.....	...	...	5	\$235	4	188	2	...	...	...	11	506
GS/GM-13.....	15	\$628	227	9,285	14	573	4	138	...	...	260	10,624
GS-12.....	...	...	12	363	13	393	25	730	...	...	50	1,487
GS-11.....	...	...	6	153	13	332	9	221	...	...	28	706
GS-9.....	...	...	51	1,095	31	666	27	553	...	...	109	2,314
GS-7.....	...	...	3	51	6	108	...	...	...	...	9	159
GS-5.....	10	134	117	1,619	11	152	...	...	-145	...	-7	1,905
Total positions and annual rates...	25	762	421	12,801	93	2,466	67	1,725	-145	...	461	17,754
Lapse (-).....	-1	-41	-12	-376	-4	-112	-2	-52	...	...	-19	-581
Total workyears and personnel compensation.....	24	721	409	12,425	89	2,354	65	1,673	-145	...	442	17,173
Other personnel compensation.....	...	...	...	944	...	832	...	...	...	...	...	1,776
Personnel benefits.....	...	74	...	1,283	...	359	...	196	...	...	...	1,912
Travel and transportation of persons	...	28	...	445	...	802	...	...	...	...	...	1,275
Transportation of things.....	...	...	...	50	...	...	...	...	...	...	...	50
Standard Level User Charges.....	...	...	...	2,835	...	...	...	...	...	...	...	2,835
Communications, utilities, and other rent.....	...	...	...	...	...	5,617	...	...	...	...	...	5,617
Printing and reproduction.....	...	1	...	20	...	3	...	1	...	...	...	25
Other services.....	...	...	...	9,188	...	6,362	...	...	...	\$19,751	...	35,301
Supplies and materials.....	...	6	...	103	...	14	...	3	...	...	...	126
Equipment.....	...	...	...	12,019	...	22,071	...	48,383	...	21,989	...	104,462
Total workyears and obligations, 1984.....	24	830	409	39,312	89	38,414	65	50,256	-145	41,740	442	170,552

Federal Bureau of Investigation

Salaries and expenses

Summary of Requirements by Grade and Object Class
(Dollars in thousands)

	1983 Estimate		1984 Estimate		Increase or Decrease	
	Pos. & WY	Amount	Pos. & WY	Amount	Pos. & WY	Amount
<u>Grades and salary ranges</u>						
Executive Level II, \$69,800.....	1		1		...	
Executive Level IV, \$67,200.....	1		1		...	
Executive Level V, \$63,800.....	2		2		...	
GS-18, \$63,800.....	20		20		...	
GS-17, \$63,800.....	43		43		...	
GS-16, \$56,945 - \$63,800.....	77		77		...	
GS/GM-15, \$48,553 - \$63,115.....	306		306		...	
GS/GM-14, \$41,277 - \$53,661.....	1,000		1,000		...	
GS-12, \$29,374 - \$38,185.....	4,508		4,761		253	
GS-11, \$24,508 - \$31,861.....	1,263		1,263		...	
GS-10, \$22,307 - \$29,003.....	1,350		1,350		...	
GS-9, \$20,256 - \$26,331.....	800		801		1	
GS-8, \$18,339 - \$23,836.....	725		771		46	
GS-7, \$16,559 - \$21,527.....	400		400		...	
GS-6, \$14,901 - \$19,374.....	1,598		1,598		...	
GS-5, \$13,369 - \$17,383.....	1,925		1,925		...	
GS-4, \$11,949 - \$15,531.....	2,702		2,863		161	
GS-3, \$10,645 - \$13,840.....	1,680		1,680		...	
Ungraded positions.....	612		612		...	
	466		466		...	
Total, appropriated positions.....	19,479	\$490,563	19,940	\$524,714	461	\$34,151
Pay above stated annual rates.....	...	1,839	...	...	...	-1,839
Lapse.....	-775	-9,986	-708	-11,362	67	-1,376
Net permanent.....	18,704	482,416	19,232	513,352	528	30,936

Summary of Requirements by Grade and Object Class (continued)
(Dollars in thousands)

Object Class	1983 Estimate		1984 Estimate		Increase or Decrease	
	Pos.	Amount	Pos.	Amount	Pos. & MW	Amount
11.1 Full-time permanent.....	18,704	\$482,416	19,232	\$513,352	528	\$30,936
11.3 Other than full-time permanent:						
Part-time permanent.....	206	2,473	206	2,473	...	...
11.5 Other personnel compensation:						
Overtime.....	...	2,500	...	2,000	...	-500
Administratively uncontrollable overtime.....	1,718	43,446	1,737	45,359	19	1,913
Other compensation.....	35	5,686	35	5,743	...	57
11.8 Special personal services payments.....	...	...	...	...	...	...
Total workyears and personnel compensation.....	20,663	536,521	21,210	568,927	547	32,406
12 Personnel benefits.....	...	74,410	...	80,921	...	6,511
13 Benefits to former personnel.....	...	1,000	...	1,000	...	...
21 Travel and transportation.....	...	20,530	...	22,167	...	1,637
22 Transportation of things.....	...	4,860	...	5,177	...	317
23.1 Standard level user charges.....	...	43,839	...	52,217	...	8,378
23.2 Communications, utilities and other rent.....	...	37,821	...	49,698	...	11,877
24 Printing and reproduction.....	...	2,092	...	2,174	...	82
25 Other services.....	...	44,216	...	76,815	...	33,199
26 Supplies and materials.....	...	28,208	...	28,947	...	1,739
31 Equipment.....	...	63,512	...	148,217	...	88,225
42 Insurance claims and indemnities.....	...	360	...	360	...	...
91 Unvouchered.....	...	70	...	70	...	...
Total obligations.....	20,663	857,439	21,210	1,037,690	547	184,371
Relation of obligations to outlays:						
Obligated balance, start of year.....		81,016		82,864		
Obligated balance, end of year.....		-82,864		-99,341		
Adjustments in expired accounts.....						
Outlays.....		855,591		1,021,213		

GENERAL STATEMENT

Mr. SMITH. We are pleased to have the Director of the FBI, the Honorable William Webster, to present this request to the committee. Please proceed, Judge Webster.

Mr. WEBSTER. Thank you.

Mr. Chairman, the fiscal year 1984 appropriation request, which I present to you and your Subcommittee today, represents the Administration's desire to substantially improve the technologies with which the FBI performs its mission.

While our total appropriation request for 1984 puts us over the \$1 billion mark for the first time in our history, I can assure you that money is necessary to maintain a skilled and talented work force and to provide our personnel with state-of-the-art equipment to carry out their responsibilities.

Mr. Chairman, our request for 1984 is for 19,940 permanent positions and \$1,055,690,000. This request includes \$170,552,000 for program increases and \$31,819,000 net uncontrollable items. Of the increased program funding, \$128,760,000, or 76 percent, is specifically for improvements to our automated data processing capabilities, and to provide voice privacy for our radio communications system. With regard to ADP improvements, this year's appropriation request will provide funding to move forward with the automation of our fingerprint identification services. The FBI receives an average of over 25,000 criminal and civil fingerprint cards to be processed each workday. The processing of fingerprints has been traditionally a highly labor-intensive operation requiring substantial personnel resources.

Sixteen years ago, the FBI initiated research to automate the fingerprint identification process. The success of that research effort led to a project to develop a fully automated system known as the "Automated Identification Division System" or "AIDS." In the first two phases of the AIDS project, we developed the building blocks of the system. The Jet Propulsion Laboratory then began an extensive study that confirmed the technical, economic, and operational feasibility of the third and final phase of the project. Our request today includes \$40 million to implement Phase III of the AIDS project.

You will recall that in fiscal year 1982 we suspended certain identification services to the non-criminal justice sector because of work backlogs and the lengthening processing time. With the approval of this subcommittee and the Congress, we were able to resume the suspended services at the beginning of fiscal 1983 under a reimbursable program. This program finances the additional personnel required to process the fingerprint records as we receive them.

Automation will ultimately reduce this reliance on personnel resources and will cut the average work processing time from a high of 27 workdays in September 1981, to under one workday when Phase III of the system is operational. We are already beginning to see the fruits of our fingerprint identification automation efforts with the current work processing time averaging 10½ workdays and the reduction of 145 workyears in this year's appropriation request.

Beginning in calendar year 1979, the FBI embarked upon another long-range automation effort, this one to replace the largely manual administrative and recordkeeping systems in our 59 field offices and at FBI Headquarters. This was a substantial undertaking because what automation the FBI had previously accomplished was done so on a need-by-need basis resulting in fragmentation and inefficiency. A long-range integrated automation plan was developed and finally approved by me in July 1981. This plan has been exhaustively reviewed and approved by the Office of Management and Budget. We have also tested our automation theories in a pilot project in our Richmond field office.

With funding provided from the Organized Crime Drug Enforcement appropriation in fiscal year 1983, we are proceeding with the implementation of the Richmond prototype in the New York field office and other offices in the northeast region of the United States. This automation effort is known by the acronym FOIMS, which stands for Field Office Information Management System.

Additional funding of \$38.4 million requested in fiscal year 1984 will allow us to proceed toward completion of the northeastern field offices and the initiation of FOIMS in our West Coast offices. Within five years, all of our field offices will be under the FOIMS umbrella and the system will be integrated with FBI Headquarters. For the first time in the history of the FBI, an agent anywhere in the United States will be able to electronically query our indices throughout the United States and determine almost instantaneously if an individual has been a subject of prior investigation.

Mr. Chairman, of concern to us all is the safety of FBI personnel and the confidentiality of our investigations. The electronics revolution has intensified this concern. For \$300, anyone can walk into a store and purchase a scanner capable of monitoring all but a small percentage of our tactical investigative radio communications. To provide adequate protection for our agents and our investigative operations, in fiscal years 1979 through 1981, we conducted an extensive research and development project to determine the best operational and most cost-effective voice-privacy system for the FBI.

In fiscal 1982, we awarded a contract to provide a digital encrypted voice-privacy system for our Los Angeles field office and each one of our off-site surveillance squads. Fiscal year 1983 funding is providing \$30.4 million to equip additional field offices. The 1984 increased request for \$45.1 million represents the third year of funding for our four-year voice-privacy procurement plan. This is for the actual equipment to be placed in our cars and offices.

The areas I have just outlined represent the major program increases requested by the FBI for fiscal year 1984. Other increases are for additional positions for our field investigative programs, including a recently formed Hostage Rescue Team—a group of highly trained, specially equipped agents based in Washington, D.C. This team has the mission of responding to incidents of terrorism, particularly hostage-type situations and will give the President a law enforcement option in dealing with terrorists.

While not a part of our direct appropriation, our field investigative resources are being augmented on a reimbursable basis through the Organized Crime Drug Enforcement funding. These re-

sources will be managed under our organized crime program and will substantially beef up our narcotics enforcement effort. By working in partnership with our sister agency, the Drug Enforcement Administration, as well as with other key Federal, State and local law enforcement agencies, we will make progress in the war against drugs, which is clearly the biggest single law enforcement program today.

In summary, the appropriation request for 1984 will provide increased funding to enable the FBI to apply state-of-the-art technology to law enforcement and counterintelligence operations. These technological improvements will take several years to implement and thus will be visible in our appropriation requests for the next several years. I am convinced that this is the course we must follow if we are to accomplish the task before us.

Mr. Chairman, I have prepared a more detailed statement with exhibits for the record. I will be happy to answer any questions that you or members of the subcommittee may have.

[The prepared statement of Mr. Webster follows:]

NARRATIVE DETAIL AND SUPPORTING EXHIBITS

Fiscal Year 1984 Appropriation Request
Federal Bureau of Investigation

The following exhibits and narrative detail depict the funding requested for Fiscal Year 1984 and comparisons of this request with those of previous years:

LIST OF EXHIBITS
(Director's Statement)

<u>Exhibit No.</u>	<u>Title</u>
1	Comparison: Funds and Personnel Required Fiscal Year 1983 vs. 1984
2	Summary of Changes, Fiscal Year 1984
3	Chart: Funding Request by Classification, Fiscal Year 1984
4	Chart: FBI Appropriations, FY 1973 - FY 1984
5	Chart: FBI Direct Funded Work-Years, FY 1973 - FY 1984
6	Chart: FY 1982 Usage of Agent Workyears in Field Programs
7	Recruitment of Minorities and Women
8	Chart: Organization of the FBI
9	Foreign Liaison - Legal Attaches
10	Chart: FBI Foreign Liaison Operations
11	Organized Crime Investigations
12	Agent Time Spent by Major Category of Organized Crime Investigations: FY 1982
13	Chart: Agent Time Spent by Major Category of Organized Crime Investigations, Fiscal Year 1982
14	Chart: Organized Crime Investigative Matters Received, Fiscal Years 1978 - 1984
15	The White-Collar Crime Program
16	Agent Time Spent by Major Category of White-Collar Crime Investigations: FY 1982
17	Chart: Agent Time Spent by Major Category of White-Collar Crime Investigations: Fiscal Year 1982

<u>Exhibit No.</u>	<u>Title</u>
18	Chart: White-Collar Crime Convictions, Fiscal Years 1976 - 1982
19	Foreign Counterintelligence Program
20	Chart: Total Soviet - Bloc Official Personnel in the United States
21	Terrorism Investigations
22	Agent Time Spent by Major Category of Terrorism Investigations, FY 1982
23	Personal Crimes Program
24	Agent Time Spent by Major Category of Personal Crimes Investigations: FY 1982
25	Chart: Federal Bank Robbery Statute - Violations Reported, Fiscal Years 1978 - 1982
26	Fugitive Investigations
27	Agent Time Spent by Major Category of Fugitive Investigations: FY 1982
28	Civil Rights Investigations
29	Agent Time Spent by Major Category of Civil Rights Investigations: FY 1982
30	Chart: Civil Rights Cases Received by the FBI, Fiscal Years 1978 - 1982
31	General Government Crimes Program
32	General Property Crimes Program
33	FBI Informants
34	FBI Training
35	Police Training Operations
36	Chart: Field Police Training - Hours of Instruction by Geographical Locale
37	Chart: Field Police Training - Number of Schools by Geographical Locale

<u>Exhibit No.</u>	<u>Title</u>
38	Laboratory Services
39	FBI Laboratory Accomplishments
40	Current FBI Laboratory Research and Training Efforts
41	Chart: FBI Laboratory Examinations Fiscal Years 1978 - 1984
42	Fingerprint Work Operations
43	Fingerprint Work Accomplishments
44	Automation of Fingerprint Work Operations
45	Chart: Fingerprint Receipts, Fiscal Year 1978 - 1984
46	Chart: Number of Fingerprint Cards on File
47	Automatic Data Processing and Telecommunications Program (ADPT)
48	Chart: Professional ADP Personnel Utilization Fiscal Year 1982 Annual Summary
49	Chart: Computer Center Resources Distribution Fiscal Year 1982 Annual Summary
50	National Crime Information Center (NCIC)
51	Chart: Breakdown of Records in NCIC Computer
52	Uniform Crime Reporting
53	Chart: Crime in the United States - Percentage Change Calendar Years 1977 versus 1981

COMPARISON: FUNDS AND PERSONNEL REQUIRED
FISCAL YEAR 1983 VS. 1984

	<u>FISCAL YEAR</u> <u>1983</u>	<u>FISCAL YEAR</u> <u>1984</u>	<u>INCREASE (+)</u> <u>DECREASE (-)</u>
PERSONNEL (FULL-YEAR EMPLOYEES):			
FBI Headquarters:			
Special Agents...	793	799	(+) 6
Support Personnel	6,481	6,604	(+) 123
Total (FBIHQ)...	<u>7,274</u>	<u>7,403</u>	(+) <u>129</u>
Field:			
Special Agents...	7,145	7,376	(+) 231
Support Personnel	4,491	4,659	(+) 168
Total (Field)...	<u>11,636</u>	<u>12,035</u>	(+) <u>399</u>
Total:			
Special Agents...	7,938	8,175	(+) 237
Support Personnel	10,972	11,263	(+) 291
Total (FBIHQ) and Field).....	<u>18,910</u>	<u>19,438</u>	(+) <u>528</u>
FUNDS:			
PERSONNEL COMPENSA- TION.....	<u>\$536,521,000</u>	<u>\$568,927,000</u>	(+) <u>\$32,406,000</u>
OTHER EXPENSES:			
Personnel Benefits	\$74,410,000	\$80,921,000	(+) 6,511,000
Benefits to Former Personnel.....	1,000,000	1,000,000	---
Travel and Trans- portation of Persons.....	20,530,000	22,167,000	(+) 1,637,000
Transportation of Things.....	4,860,000	5,177,000	(+) 317,000
Standard Level User Charges (SLUC)....	43,839,000	52,217,000	(+) 8,378,000
Communications, Utilities, and other Rent.....	37,821,000	49,698,000	(+) 11,877,000
Printing and Reproduction	2,092,000	2,174,000	(+) 82,000
Other Services	43,616,000	79,815,000	(+) 36,199,000
Supplies and Materials	28,208,000	29,947,000	(+) 1,739,000
Equipment	59,992,000	163,217,000	(+) 103,225,000
Insurance Claims and Indemnities ..	360,000	360,000	---
Unvouchered	<u>70,000</u>	<u>70,000</u>	<u>---</u>
SUBTOTAL, OTHER EXPENSES.....	<u>\$316,798,000</u>	<u>\$486,763,000</u>	(+) <u>169,965,000</u>
TOTAL, ALL EXPENSES.	<u>\$853,319,000</u>	<u>\$1,055,690,000</u>	(+) <u>\$202,371,000</u>

Exhibit No. 1

SUMMARY OF CHANGES, FISCAL YEAR 1984

Uncontrollable increases:

1. Annualization of 1983 pay increases.....	696,000
2. Annualization of Medicare costs.....	1,632,000
3. Within-grade increases.....	5,903,000
4. Health benefits costs.....	1,508,000
5. Federal Employees' Compensation Act (FECA) Unemployment Benefits.....	960,000
6. Standard Level User Charges (SLUC).....	9,650,000
7. GSA recurring reimbursable services.....	1,130,000
8. Federal Telecommunications System (FTS).....	1,521,000
9. GPO printing costs.....	59,000
10. Telecommunications cost.....	2,346,000
11. General pricing level adjustments.....	6,704,000
12. Personnel related items to maintain current program level	8,840,000
13. Upgrading field support positions.....	1,040,000
Total uncontrollable increases.....	<u>41,989,000</u>

Decreases:

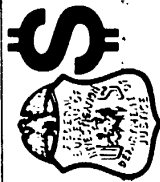
1. One less compensable day.....	-2,222,000
2. Non-recurring equipment cost.....	-4,176,000
3. Non-recurring cost for change in hourly rate	-1,697,000
4. Non-recurring AIDS studies.....	-2,075,000
Total decreases.....	<u>-10,170,000</u>

Overview:

Total uncontrollable increases.....	\$41,989,000
Total decreases.....	<u>-10,170,000</u>
Overall increase for 1984.....	<u>\$31,819,000</u>



U. S. Department of Justice
Federal Bureau of Investigation



Funding Request By Classification

Fiscal Year 1984
(In Thousands Of Dollars)

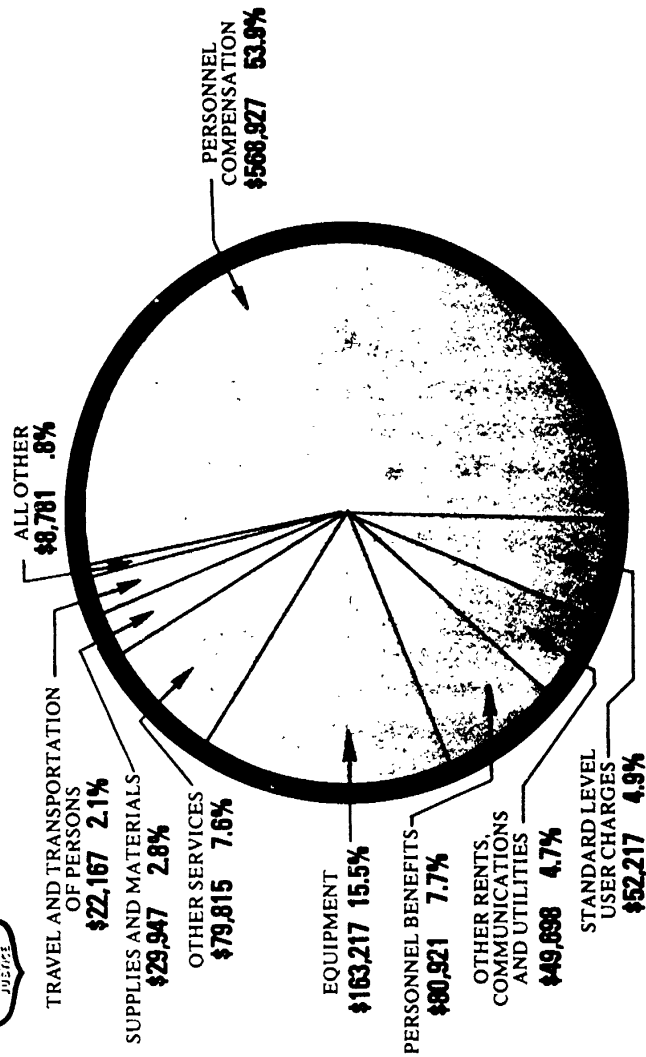
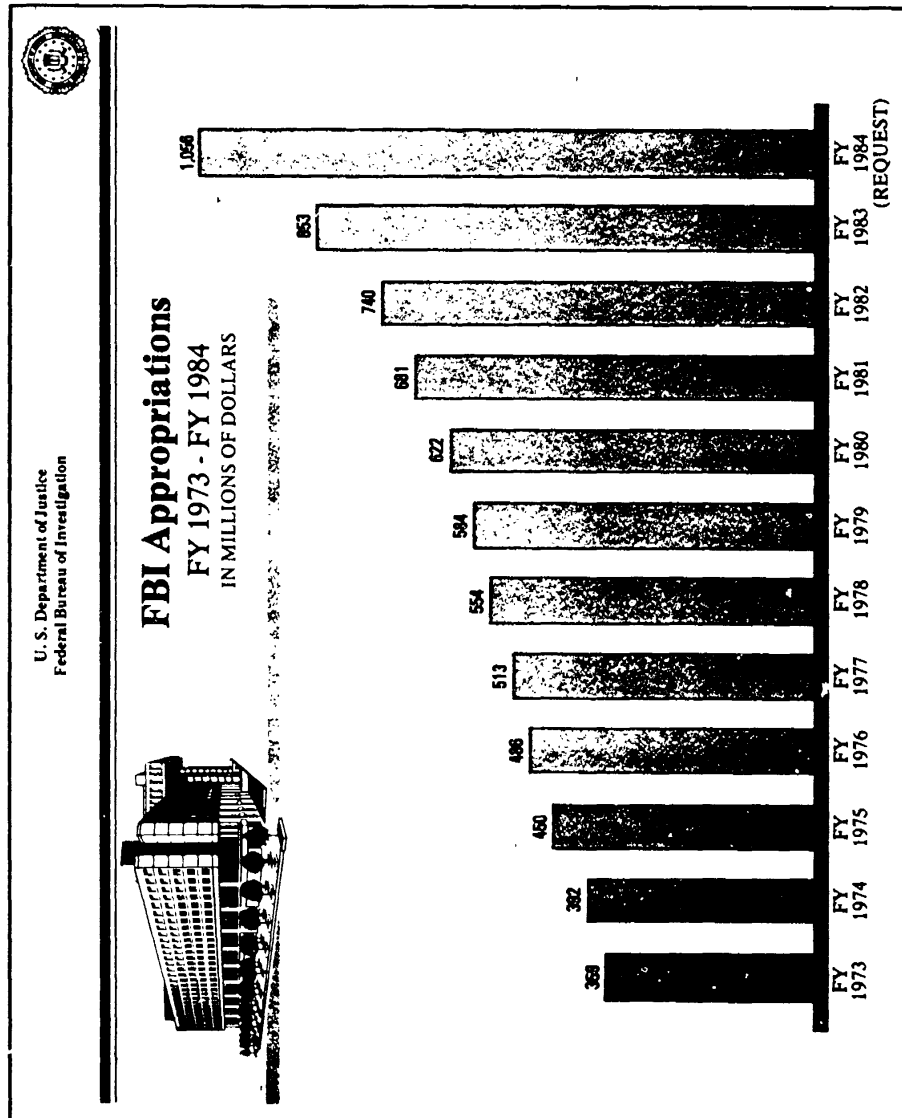


Exhibit No. 3

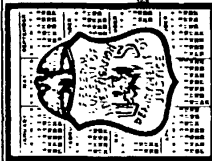




U. S. Department of Justice
Federal Bureau of Investigation

FBI Direct Funded Work-Years

FY 1973 - FY 1984



▨ AGENTS
□ SUPPORT PERSONNEL

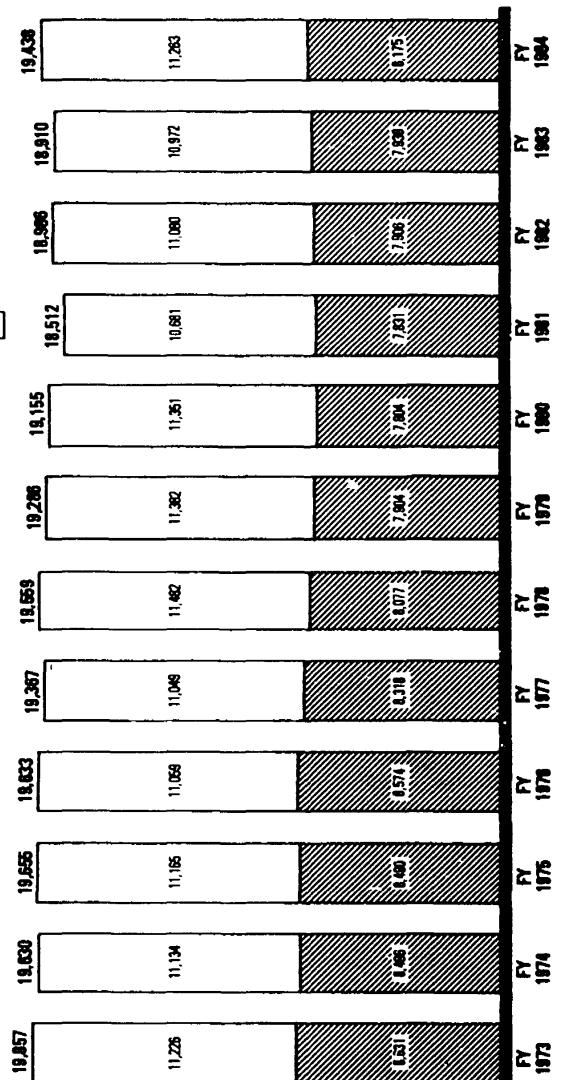


Exhibit No. 5

INVESTIGATIVE PROGRAMS

THE FBI'S PRINCIPAL BUDGET ACTIVITY, CRIMINAL, SECURITY, AND OTHER INVESTIGATIONS, IS DIVIDED INTO EIGHT GENERAL FIELD PROGRAM AREAS. THESE AREAS AND THE FISCAL YEAR 1982 UTILIZATION OF AGENT WORK-YEARS THEREIN ARE SHOWN IN THE FOLLOWING EXHIBIT:

U. S. Department of Justice
Federal Bureau of Investigation



FY 1982 Usage of Agent Workyears In Field Programs (Includes Field Supervisors)

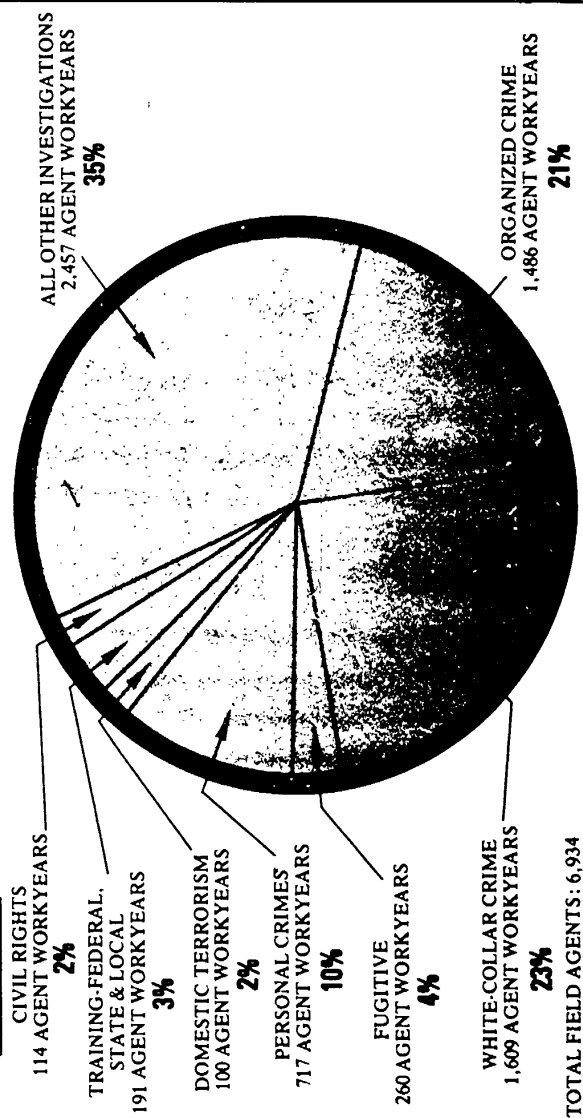


Exhibit No. 6

EQUAL EMPLOYMENT OPPORTUNITY WITHIN THE FBI

THE FBI IS COMMITTED TO CONTINUING ITS EFFORTS TO INCREASE REPRESENTATION OF MINORITIES AND WOMEN IN ITS RANKS, WITH PARTICULAR REGARD TO THE SPECIAL AGENT POSITION. A SIGNIFICANT NUMBER OF MINORITY AND FEMALE SPECIAL AGENTS HAVE BEEN SELECTED FOR NEW AGENTS' TRAINING IN THE PAST SEVERAL YEARS. THIS WAS ACCOMPLISHED BY TARGETING RECRUITMENT EFFORTS AT ALL LOGICAL SOURCES. FOLLOWING IS AN EXHIBIT WHICH CONTAINS INFORMATION ON THE FBI'S EQUAL EMPLOYMENT OPPORTUNITY ACCOMPLISHMENTS.

RECRUITMENT OF MINORITIES AND WOMENMinority and Women Special Agents as of 1/31/83

	<u>Field</u>	<u>FBIHQ</u>	<u>Total</u>	<u>Since 2/28/78</u> <u>Gain or</u> <u>Loss</u>	<u>Percentage</u> <u>Increase</u>
Black	235	25	260	+116	80.6%
Hispanic	259	13	272	+117	75.5%
American Indian	30	4	34	+19	126.7%
Asian American	58	6	64	+30	88.2%
Women	410	7	417	+323	343.6%

Percentage of Minority and Women Special Agents as of 1/31/83

<u>Group</u>	<u>Number</u> <u>of</u> <u>Men</u>	<u>Percent</u> <u>of</u> <u>Total</u>	<u>Number</u> <u>of</u> <u>Women</u>	<u>Percent</u> <u>of</u> <u>Total</u>	<u>Total</u> <u>by</u> <u>Group</u>	<u>Percent</u> <u>of</u> <u>Total</u>
White	6,896	92.2	378	90.7	7,274	92.1
Black	239	3.2	21	5.0	260	3.3
Hispanic	257	3.4	15	3.6	272	3.4
American Indian	32	.4	2	.5	34	.4
Asian American	63	.8	1	.2	64	.8
TOTAL	7,487	100.0%	417	100.0%	7,904	100.0%
All Minorities	591	7.8%	39	9.3%	630	7.9%

Percentage of Minority and Women Support Personnel

	<u>Total</u>	<u>Percent</u>
Support Personnel	11,200	100.0%
Men	3,234	28.9%
Women	7,966	71.1%
Black	3,467	31.0%
Hispanic	245	2.2%
American Indian	24	.2%
Asian American	123	1.1%
All Minority	3,859	34.5%

Exhibit No. 7

ORGANIZATION OF THE FBI

THE FBI IS A FIELD-ORIENTED ORGANIZATION IN WHICH TEN DIVISIONS AT FBI HEADQUARTERS PROVIDE PROGRAM DIRECTION, SUPPORT SERVICES, AND COORDINATION TO 59 FIELD OFFICES, 426 RESIDENT AGENCIES, AND 13 FOREIGN LIAISON POSTS. EACH FIELD OFFICE HAS A SPECIAL AGENT IN CHARGE, WHO IS RESPONSIBLE FOR DEPLOYMENT OF PERSONNEL SO AS TO HANDLE EFFECTIVELY ALL FBI MATTERS WITHIN ITS GEOGRAPHICAL TERRITORY. AGENTS AT LIAISON POSTS ABROAD ACT AS A LIAISON IN CONNECTION WITH CRIMINAL AND SECURITY MATTERS WITHIN THE FBI'S JURISDICTION. OF THE TOTAL AMOUNT REQUESTED BY THE FBI FOR 1984, 56.8 PERCENT, OR \$599,296,000, IS FOR FIELD INVESTIGATIVE OPERATIONS AND THEIR COORDINATING ELEMENTS. THIS DOES NOT INCLUDE HEADQUARTERS SUPPORT WHICH INCLUDES ADP OPERATIONS, INVESTIGATIVE DIRECTION, AND TECHNICAL FIELD SUPPORT AND EQUIPMENT FUNDING, ALL OF WHICH SUPPORT BOTH FIELD AND HEADQUARTERS ACTIVITIES. EXHIBITS FOLLOW THAT SHOW THE ORGANIZATION OF FBI HEADQUARTERS, THE LOCATION OF FIELD OFFICES AND FOREIGN LIAISON POSTS, AND ADDITIONAL INFORMATION CONCERNING PERSONNEL ASSIGNED TO THE FOREIGN POSTS:



U. S. Department of Justice
Federal Bureau of Investigation

Organization Of The FBI

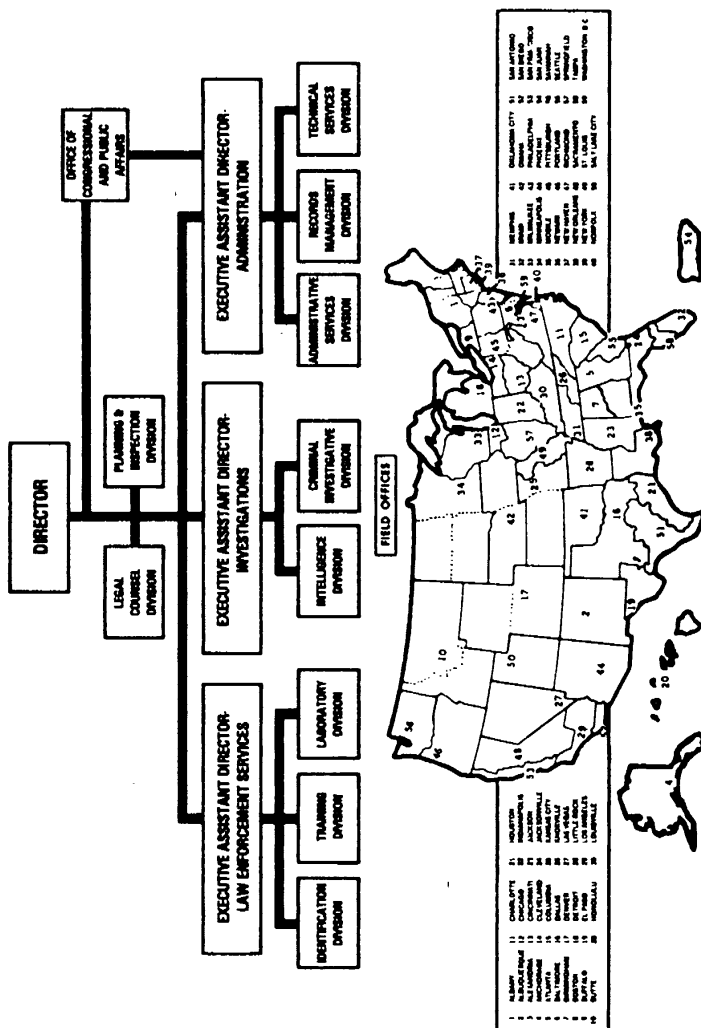


Exhibit P. 8

FOREIGN LIAISONLEGAL ATTACHES

This program is designed to provide a continuing and prompt exchange of information and assistance with foreign law enforcement and security agencies in order to insure that the responsibilities of the FBI in the applicant, criminal, domestic security, foreign counterintelligence, and international terrorist fields are met. By way of reciprocation, the FBI will assist cooperative foreign agencies with their legitimate and lawful investigative interests in the United States.

For over 35 years the FBI has maintained posts abroad known as legal attache offices. There are currently 13 such posts covering more than 80 countries, enabling the 59 field offices and FBI Headquarters to receive a constant and prompt exchange of criminal and security type information. They develop and maintain close liaison with relevant and duly authorized law enforcement and security/intelligence agencies of the countries covered to insure that the domestic responsibilities of the FBI are met in a timely and professional manner.

The program provides the liaison necessary in order to locate and/or effect the return of United States fugitives; locate and return stolen property, including vehicles, heavy equipment, airplanes, and art objects; and to enable the FBI to fulfill its statutorily mandated responsibilities in the applicant, criminal, foreign counterintelligence, and domestic and international terrorism fields.

Prior to posting FBI personnel in foreign countries, the concurrence of the United States Ambassador and the Foreign Ministry of the host government must be obtained. The State Department provides office space and other administrative support for the program on a reimbursable basis.



U. S. Department of Justice
Federal Bureau of Investigation

FBI Foreign Liaison Operations

The FBI maintains liaison posts abroad in 13 countries. These offices function in a liaison capacity in connection with criminal and security matters involving the Bureau's domestic responsibilities. In addition, the Bureau belongs to one international security committee and corresponds with police agencies all over the world except in countries controlled by the communists. In addition to the activities of its representatives abroad, the Bureau exchanges certain types of information with, and where warranted, arranges to have investigations conducted in the U. S. for, law enforcement and intelligence agencies in many foreign countries on a reciprocal basis.

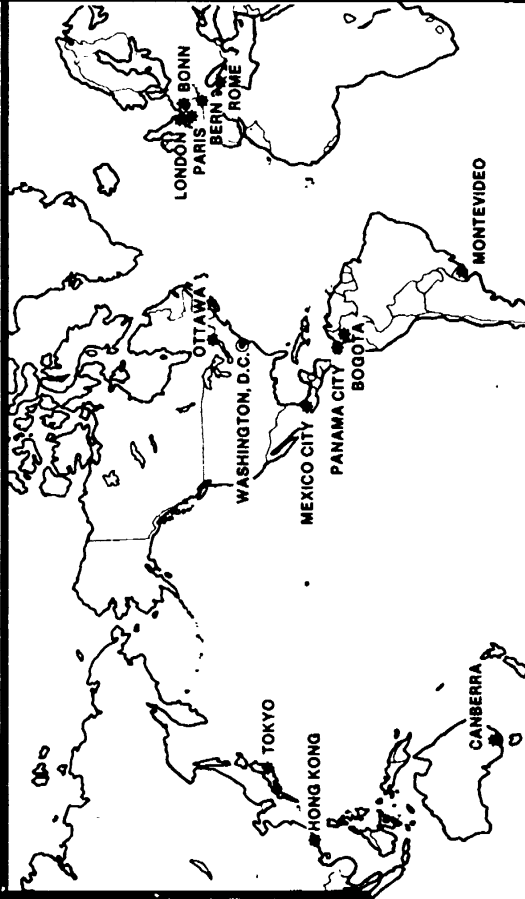
NUMBER OF FBI PERSONNEL STATIONED ABROAD			
	Special Agents	Support Personnel	
BERN	2	1	
BOGOTA	2	2	
BONN	4	4	
CANBERRA	1	1	
HONG KONG	2	1	
LONDON	3	3	
MEXICO CITY	4	4	
MONTVIDEO	1	1	
OTTAWA	2	3	
PANAMA CITY	1	1	
PARIS	3	2	
ROME	3	2	
TOKYO	1	1	
TOTALS	29	28	
	Special Agents	Support Personnel	

TOTAL PERSONNEL-57

KEY

* FBI REPRESENTATIVES STATIONED IN AMERICAN DIPLOMATIC EMBASSIES OUTSIDE THE UNITED STATES

January 1, 1983



ORGANIZED CRIME

ONE OF THE FBI'S TOP PRIORITIES IS THE INVESTIGATION OF ORGANIZED CRIME. IN 1984, EFFORTS IN THIS AREA WILL REQUIRE \$98,430,000 AND 2,149 POSITIONS.

DURING THE PAST FISCAL YEAR, 21 PERCENT OF THE FIELD AGENT TIME WAS SPENT ON ORGANIZED CRIME INVESTIGATIONS.

WHITE-COLLAR CRIME

WHITE-COLLAR CRIME INVESTIGATIONS CONSTITUTE ANOTHER TOP PRIORITY OF THE FBI. AS IN ORGANIZED CRIME, WHITE-COLLAR CRIME SOMETIMES INVOLVES PUBLIC CORRUPTION. A TOTAL OF \$138,843,000 AND 3,015 POSITIONS WILL BE NEEDED FOR WHITE-COLLAR CRIME IN FISCAL YEAR 1984. DURING FISCAL YEAR 1982, THE FBI EXPENDED 23 PERCENT OF ITS FIELD AGENT WORK-YEARS ON WHITE-COLLAR CRIME INVESTIGATIONS. ORGANIZED CRIME AND WHITE-COLLAR CRIME MATTERS ARE DISCUSSED IN THE FOLLOWING EXHIBITS:

ORGANIZED CRIME INVESTIGATIONS

An organized crime investigation is targeted against any member or members of an organized crime group involved in violation of Federal statute(s) specifically aimed at racketeering activities. For the purpose of managing these investigations, an organized crime group is defined as any group having some manner of formalized structure whose primary objective is to obtain money through illegal activities and maintains its position through the use of violence or threat of violence, corrupt public officials, graft and extortion, and has a significant adverse effect on the people in its locale or region, or the country as a whole. The thrust of the organized crime program is targeted against individuals comprising the major organized crime groups across the country.

Funding for this program for fiscal year 1984 will provide for an imaginative, responsive, and effective investigative approach directed against the organized criminal element at a sustained level. This funding will provide for continued coverage of already existing programs and permit continued penetration into areas deserving additional investigative attention based on program review. Among those targeted are hoodlum infiltration of legitimate business; labor racketeering; corruption; arson-for-profit; loansharking; and pornographic operations which are national in scope, involve major organized crime figures, or which deal in the use of children. The funding will also permit the FBI to continue to utilize resources in support of joint FBI/Drug Enforcement Administration investigations targeting organized crime related narcotics cartels. Additionally, funding will enable the FBI to continue its assistance to local, state, and other Federal agencies engaged in the fight against illegal narcotics and drugs. This will be accomplished through the development and dissemination of narcotics information stemming from organized crime activities being investigated by the FBI.

Implementation of a system to enhance organized crime intelligence-gathering capabilities has continued through the use of a computerized data processing network known as the Organized Crime Information System (OCIS). The primary objective of the system is to improve the FBI's ability to collect, analyze, and use investigative data in furtherance of the successful prosecution of organized crime subjects. Funding dedicated to the organized crime program will enable implementation of this system at additional field divisions during fiscal year 1984 and provide for resources in support of personnel to operate this system.

In addition to maintaining active investigative programs targeted at traditional racketeering activities of gambling, corruption, and loansharking, the FBI has continued with a number of programs from the past year, aimed specifically at combating labor-racketeering, hoodlum infiltration of

business, arson-for-profit, narcotics trafficking, and major pornography operations. The cumulative goal of these programs is to interdict systematically and progressively the sphere of organized crime influence and to reduce its effect on American society.

The Effect of Organized Crime on Society

While not inclusive, the following are some of the major areas wherein organized crime affects society as a whole:

Corruption undermines the Nation's civic, judiciary, legislative, and law enforcement bodies, disfranchising citizens of the protection and the governmental functions to which they are entitled.

Businessmen find themselves in competition with racketeers who pour money from their illicit enterprises into legitimate industry and use these untaxed funds to undercut the operations of competitors not enjoying this unfair advantage.

The tax base itself is eroded by significant amounts of dollars being siphoned from the economy without any commensurate return to local, state, or Federal governments.

Gambling and narcotics addicts commit a large portion of street crimes currently plaguing the Nation as they try to supply the needs of their illegal habits.

Labor-racketeering and cartage thefts result in increased insurance rates and transportation costs. They also add substantially to the prices consumers pay for their merchandise.

The Drug Problem

On January 28, 1982, the Attorney General delegated to the FBI concurrent jurisdiction with the Drug Enforcement Administration (DEA) to investigate violations of the Comprehensive Drug Abuse Prevention and Control Act of 1970. Pursuant to this delegation, the FBI and DEA have developed a closer working relationship and are directing their combined resources against major national and international narcotics cartels and targets. The FBI's role in narcotics investigations is particularly targeted toward drug investigations involving traditional Organized Crime families (La Costa Nostra), violence-prone, non-traditional Organized Crime groups such as the outlaw motorcycle gangs, and ethnic or racial groups such as the Israeli, Mexican and Black Mafias and La Nuestra Familia. Strong emphasis will also be placed on immobilizing major distributors and organizations involved in the manufacturing, importing, distributing and financing of illicit controlled substances. Additionally, the FBI assists DEA in the location and apprehension of major DEA fugitives.

The FBI is now in a position to effectively devote its resources toward a multi-jurisdictional approach against drug violators and their financial assets.

The Infiltration Problem

Hoodlum infiltration of labor unions is one of the top priority areas targeted for investigation by the FBI. The primary objective of this program is to identify the organized criminal and corrupt elements involved in the labor field and to successfully prosecute those individuals connected with racketeering activities. Investigations under this program are targeted at uncovering such activities as payoffs and kickbacks resulting from the awarding of contracts or the conduct of day-to-day union activities; the embezzlement of union funds; instances of extortion; and the mishandling of union loans.

Likewise, hoodlum infiltration of legitimate business is a priority investigative area targeted by the FBI. To date, investigations have revealed allegations that such investments not only provide the hoodlums with "show money" for tax purposes, but also make it possible for those involved to "launder" illegal funds, set up front corporations to cover their criminal operations, and to profitably bankrupt companies when they no longer have any use for them.

In most instances, organized crime's movement into business is done quietly. Seldom do mobsters' names appear on corporate records, and fear of reprisal makes complaining victims scarce. Such conditions require current and accurate intelligence data, which can only be obtained through a network of well-placed informants. The FBI has a program for developing informants, and their information has allowed agents to remain cognizant of organized criminal activity in the business community and thus take appropriate action.

Investigative Techniques

The FBI is refining and intensifying its use of a number of highly sophisticated and innovative investigative techniques in the fight against organized crime. Included among these are:

1. Undercover agents and storefront operations designed to ferret out large-scale pornographic operations, narcotics trafficking, infiltration of legitimate business, and extensive labor-racketeering activities.
2. Judicially approved electronic surveillance installations and consensual recording devices (both of which are most effective against loansharking and corruption).
3. The assignment of experienced Special Agent Accountants to the review and analysis of labor union records,

records of financial institutions, and records of businesses in which there is probable cause to believe a crime has been committed. (This also embraces expanded use of computers to assist in the correlation and review of document examinations of a voluminous nature).

4. Informants specifically selected and targeted to penetrate the upper echelons of the organized underworld.

5. Miscellaneous techniques, such as aerial surveillance and hypnotism of willing witnesses (The latter is particularly helpful in gangland murder cases).

The Results

Numerous accomplishments were achieved in the fight against organized crime during fiscal year 1982. There were 763 individuals convicted as a result of investigative activity targeted against the organized crime element by the FBI. Among those convicted were several of the most widely known and powerful organized crime figures in the United States. In addition, \$6,791,000 in fines, \$112,499,665 in recoveries, and \$16,074,744 in Potential Economic Loss Prevented (PELP) were realized as a result of investigative efforts expended in the Organized Crime Program.

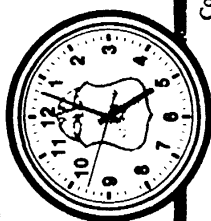
AGENT TIME SPENT BY MAJOR CATEGORY OF ORGANIZED CRIME INVESTIGATIONS: FY 1982

<u>Major Category</u>	<u>Agent Workyears (Includes Field Supervisors)</u>	<u>Percent (%) of Program</u>	<u>Percent (%) of Total Field Agent Time</u>
Anti-Racketeering	28	1.9%	.4%
Extortionate Credit Transactions	64	4.3%	.8%
RICO - Traditional Groups	629	42.3%	8.1%
RICO - Non-Traditional Groups	368	24.8%	4.7%
Hobbs Acts - Corruption of Public Officials	37	2.5%	.5%
Informants	82	5.5%	1.1%
Illegal Gambling Business	43	2.9%	.6%
Illegal Transportation in Aid of Racketeering	33	2.2%	.4%
All others	<u>202</u>	<u>13.6%</u>	<u>2.6%</u>
Total Organized Crime Program	<u>1,486</u>	<u>100.0%</u>	<u>19.2%</u>

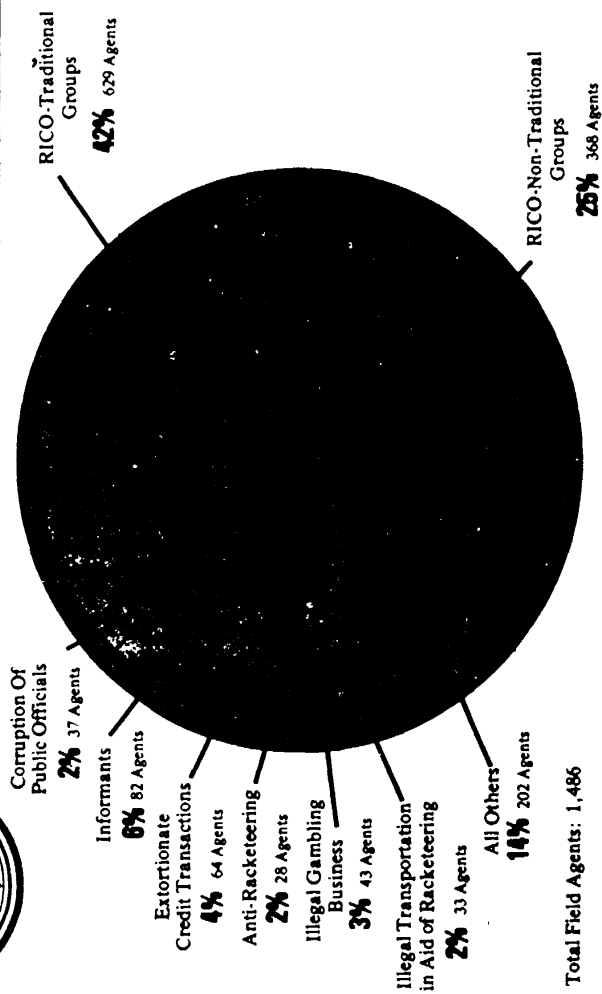
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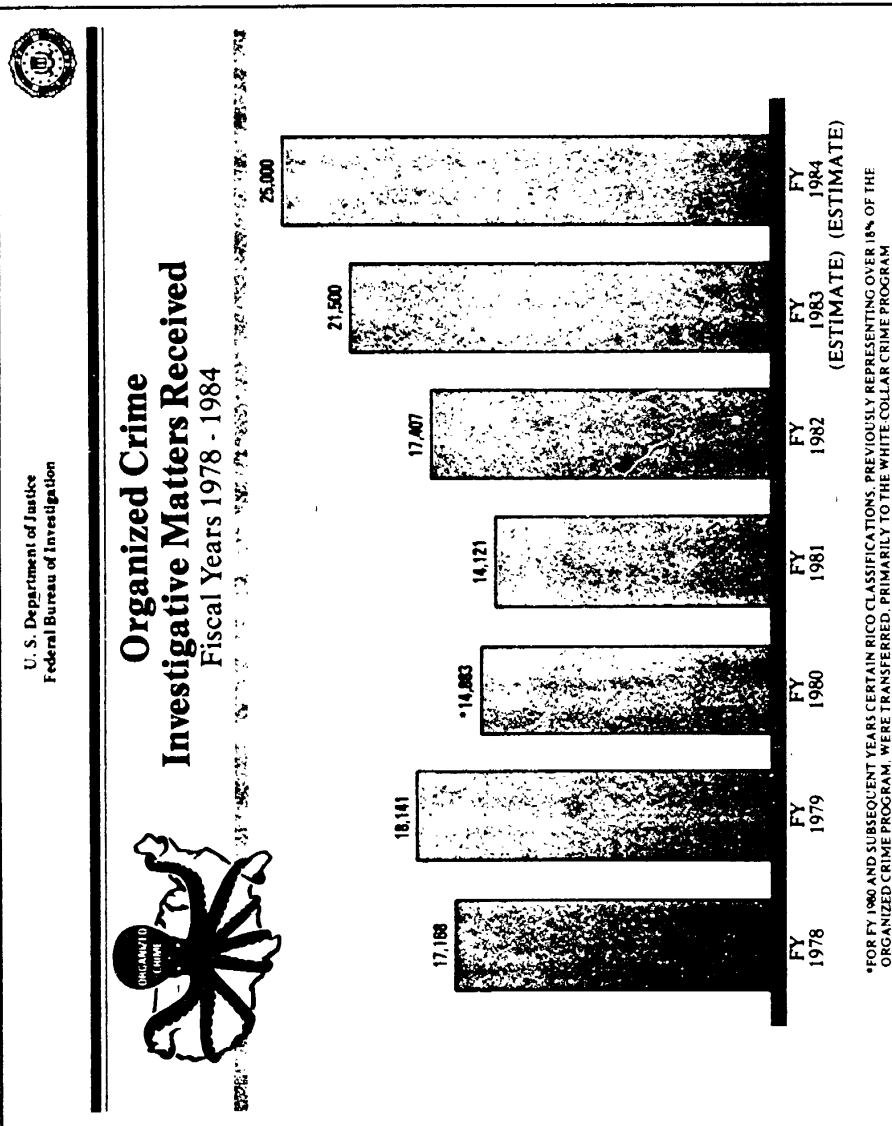


U. S. Department of Justice
Federal Bureau of Investigation



Agent Time Spent By Major Category Of Organized Crime Investigations Fiscal Year 1982 (Includes Field Supervisors)





THE WHITE-COLLAR CRIME PROGRAMIntroduction:

The Federal Bureau of Investigation utilizes a working definition of white-collar crime as "...those illegal acts that use deceit and concealment rather than the application or threat of physical force or violence to obtain money, property or services; to avoid the payment or loss of money; or to secure business or personal advantages."

The long-range goal of this program is to curtail the incidence of white-collar crimes by investigating those high impact and complex cases most likely to lead to successful prosecutions. This goal is attainable as a result of the diligence of FBI Agents in resolving very sophisticated white-collar crimes. Their expertise is maintained and increased, not only through experience, but also through structured training programs and specialized seminars.

The short-term goal is to provide the investigative concentration and response necessary to support the Administration, through the Attorney General, in achieving its law enforcement goals for addressing criminal conduct on a national basis. The establishment of investigative priorities, consistent with the Attorney General's white-collar crime priorities for all 59 FBI field offices, and the continued monitoring of the investigative actions by all field offices, ensures the satisfactory completion of this short-term goal.

It is one of the FBI's principal objectives to detect, investigate and provide prosecutive support in pursuit of white-collar criminal activities within its investigative jurisdiction. The primary investigative areas of the white-collar crime program are: governmental fraud, public corruption, labor matters, and financial crimes.

White-collar crime investigations involve the use of all the traditional law enforcement techniques, such as: interviews, observation, audits, consensual monitoring, both audio and visual, court-authorized monitoring, undercover operations, gathering of physical evidence, forensic science examinations and others. Inasmuch as the criminal conduct encountered differs depending on the nature of the crimes alleged, the frequency of application of these techniques varies.

Exhibit No. 15

Often, perpetrators of white-collar crimes occupy positions in government, industry, the professions and civic organizations and are regarded as responsible pillars of their communities. Through the use of their positions of trust, white-collar criminals undermine professional and governmental integrity, and ultimately, are responsible for the loss of billions of dollars annually from the Nation's economy.

During the fiscal year ending September 30, 1982, 20% of the investigative personnel of the FBI were utilized in conducting white-collar crime investigations. This effort accounted for 44% of the convictions obtained in all FBI investigations during fiscal year 1982. This 44% represents 3,934 individuals convicted, with an additional 465 individuals placed in pretrial diversion programs. Also, more than 7.8 million dollars in fines were levied, and potential economic losses of 2.6 billion dollars were prevented.

Government Fraud:

Addressing criminal allegations of fraud and bribery within the programs and functions of the Federal Government is the nature of governmental fraud cases. The majority of these investigations involved the 13 Departments and 57 Agencies of the Executive Branch, which disburse billions of dollars annually. These funds are used in attaining National goals and/or eliminating specific problems affecting the quality of American life.

Often, these funds are the target of unscrupulous individuals from within as well as from outside the Government. Two groups can be readily identified : 1) those individuals or entities responsible for operating the program or function, and; 2) those individuals and entities who either receive funds to which they are not entitled or misuse the funds received.

The highest priority of all white-collar crime investigations conducted by the FBI is now assigned to governmental fraud cases. Instances of fraud, waste and abuse within the Federal Government must be met by an immediate and effective law enforcement response to insure that the public confidence in Government and its institutions is not undermined.

Since these Governmental fraud matters involve the programs and functions of other Governmental entities, a continuing liaison program is required with the Inspectors General or their equivalent. Also, when investigations highlight deficiencies within a program or function of another agency, this information is made known with the expectation that appropriate preventive measures will be instituted, such as personnel actions, program changes and/or debarment proceedings, to insure that similar abuses do not occur in the future.

Dissemination of investigative results is also made to the Civil Division of the Department of Justice for the imposition of civil sanctions.

The FBI negotiated a Memorandum of Understanding with each Inspector General in order to delineate areas of responsibility which will insure that no duplication of effort occurs. The efforts of the FBI will be directed toward the investigation of criminal activity which involves Government programs. The efforts of the Inspectors General will be directed at the detection of fraud, waste and inefficiency and they will conduct, supervise, and coordinate audits and investigations relating to the programs and operations of the respective Federal agencies.

Public Corruption:

Abuse of office by elected and/or appointed public officials in violation of Federal criminal statutes and attempts by individuals to cause public officials to abuse their offices in violation of Federal criminal statutes are the basis of the initiation of public corruption investigations by the FBI.

While FBI investigations involve officials at all levels of government, investigative priority and emphasis are provided to those matters involving Federal officials. Due to the large number of local office holders, the volume of matters under investigation has traditionally involved more local and county governments. Public corruption investigations are, for the most part, not undertaken by state and local authorities for a number of reasons, and such investigations have become a major component of the FBI's white-collar crime program.

The FBI's investigative response to public corruption allegations continues to be immediate, aggressive and thorough. Due regard is given to the integrity and reputation of the individual alleged to have engaged in criminal conduct.

Public corruption investigations utilize all of the traditional investigative techniques, but focus initially upon gathering evidence that will corroborate or refute challenges to the credibility of the individual transmitting the allegations. As the investigation continues, the substance of the allegation is addressed.

Extensive media attention to public corruption investigations on both the regional and national level illustrate and chronicle FBI successes in ferreting out those responsible for damaging the institutions that are the foundation of American democracy.

The Corcom investigation uncovered widespread corruption in almost all of the State of Oklahoma's 77 counties. More than 300 individuals, primarily present and

former county commissioners and vendors doing business with them, are expected to be indicted. Thus far, in excess of 150 persons have entered into agreements to plead guilty to charges stemming from this investigation. Similar practices have been detected in other states and are under investigation by ten FBI field offices.

Labor Matters:

The protection of the rights of union members in addition to investigations of unlawful conduct of both union officials and employers constitute the basis of FBI "Labor Related" investigations.

Criminal statutes, under which the FBI has investigative jurisdiction, cover a wide range of illegal activities that involve both labor and management. Labor violence is the basis for much investigative activity; however, there is frequently no resultant Federal prosecution due to the fact that the violence is an outgrowth of legitimate attempts by unions to organize a particular employing unit.

Accusations of the solicitation of a kickback by a union official are reported more often than are accusations of the offering of a bribe by an employer to a union official; however, both are violations which are investigated by the FBI.

The allegation of the misappropriation of union members' pension funds is investigated with a resultant higher number of convictions than in some labor-related investigations.

In recognition of the serious nature of allegations of labor-related crime and the impact of the involvement of the FBI in the underlying union/management activity from which the alleged criminal conduct has grown, definite investigative jurisdiction is established before initiation of investigations. In light of differing interpretations by courts in various Federal judicial districts, the likelihood of prosecutive consideration is also a prerequisite established before initiation of investigation. Special Agents assigned to investigate labor-related matters secure counsel from appropriate U. S. Attorneys at various stages of the investigations.

Financial Crimes:

White-collar crimes generally categorized as financial crimes are "those schemes to cheat, defraud, steal, embezzle, abstract, purloin or misapply money, funds securities or credits of individuals and/or institutions by manipulating events, documents or large sums of cash through misrepresentation, falsification and deceit." Although variations are

endless, the most common crimes are: embezzlements, fraudulent bankruptcies and check kites.

The fact that information about financial crimes does not come to the attention of the FBI for some time after the crime has occurred, the reluctance of witnesses to become involved, the voluminous records to be analyzed, and the mobility of the perpetrators, all contribute to the degree of complexity and time consumption in these investigations. Nevertheless, only the most complex and significant cases are pursued by the FBI. Local authorities are asked, whenever possible, to handle cases that will not tax their resources.

An increase in the use of consensual monitoring with cooperative witnesses, undercover operations, and financial audits has had a positive effect on the conservation of resources.

Energy Fraud:

The FBI has endeavored to monitor the volume of white-collar criminal activity that can be construed to be "Energy Related." There is close cooperation with the Departments of Interior and Energy, and, to the extent allowable by law, the Internal Revenue Service; however, the volume of energy related criminal activity reported has been less than anticipated.

The most serious of the detected energy related crimes have been those purported to have taken place on the Wind River Indian Reservation in the State of Wyoming. There, it has been alleged that the awarding of oil leases, and the removal of oil from authorized wells, have both been the basis for crime. In the awarding of oil leases, bribes and kickbacks have been uncovered in a joint investigation with the Department of the Interior's Inspector General and the FBI, resulting in the conviction of six individuals, including a Government employee. Investigation of oil thefts from Wind River lands without full payment under terms of leases to the Federal Government and Indian tribes continues.

Working with the staff of the Department of Energy's Inspector General, FBI Agents have pursued allegations of improper certification of the age of crude oil, thereby affecting its sale price. Investigations have established the existence of a large number of middlemen through which oil has been sold during a period in which the price of the oil has been inflated and documents filed altering the actual dates of production. A total of 14 individuals have been convicted and recoveries made in excess of 40 million dollars, however, honest mistakes and misinterpretation of regulations, characterized as complicated, have been found to have existed in the majority of the cases investigated.

Coal investment frauds wherein unsuspecting investors have been duped into investing large sums of money in questionable coal exploration companies, have been the focus of joint Internal Revenue Service/FBI investigative activity. In many of these schemes, the perpetrators of this fraud advised investors they could gain a tax advantage by virtue of a tax loophole which in reality does not exist.

AGENT TIME SPENT BY MAJOR CATEGORY OF WHITE COLLAR CRIME INVESTIGATIONS: FY 1982

<u>Major Category</u>	<u>Agent Workyears (Includes Field Supervisors)</u>	<u>Percent (%) of Program</u>	<u>Percent (%) of Total Field Agent Time</u>
Fraud Against the Government	314	19.5%	4.0%
Labor Matters	32	2.0%	.4%
Public Corruption	246	15.3%	3.2%
Financial Crimes	879	54.6%	11.3%
All others	<u>138</u>	<u>8.6%</u>	<u>1.8%</u>
	1,609	100.0%	20.7%

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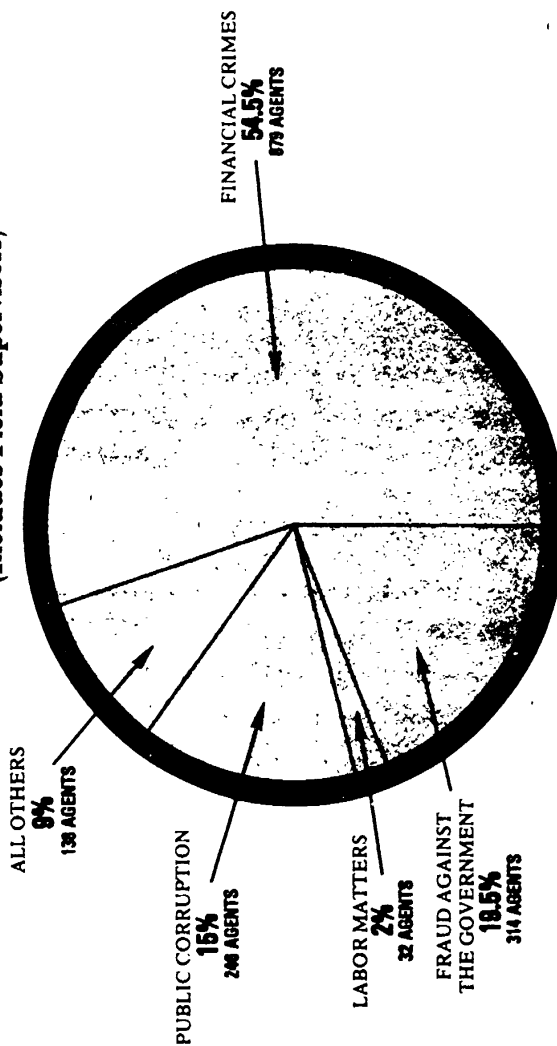


U. S. Department of Justice
Federal Bureau of Investigation

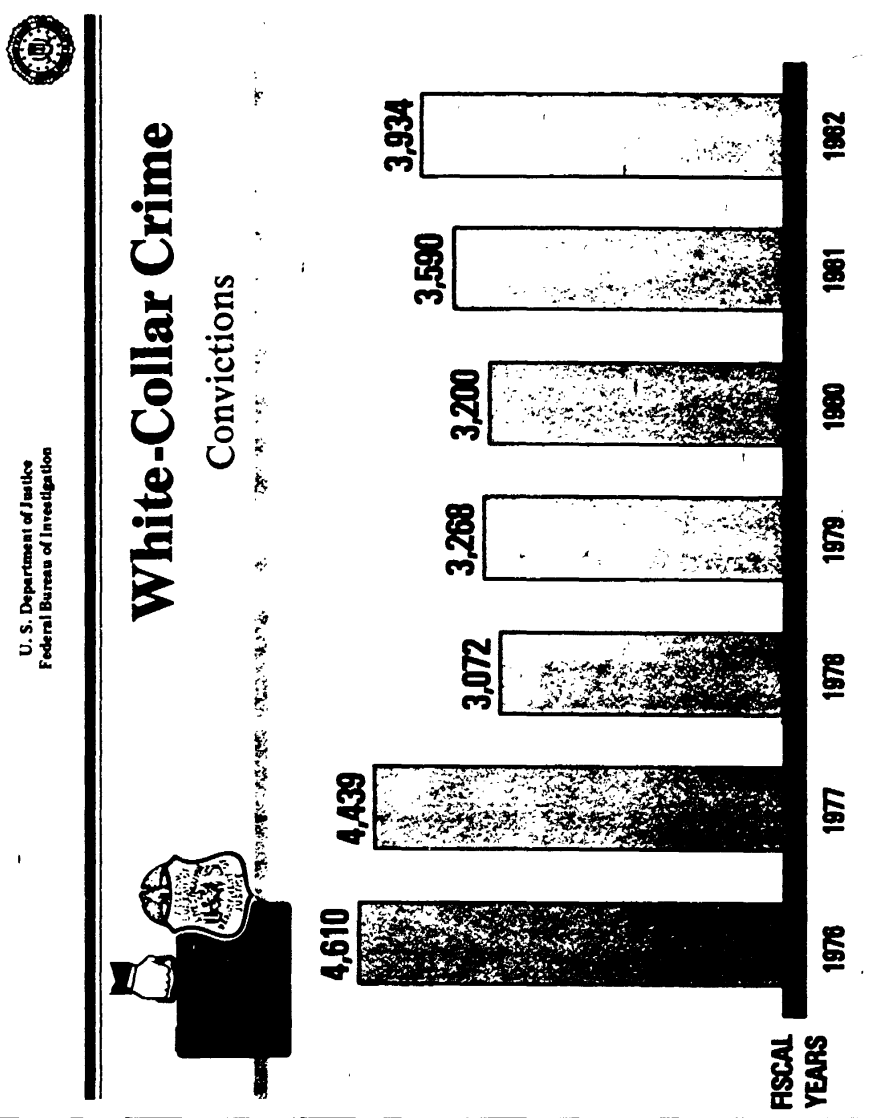


Agent Time Spent By Major Category Of White-Collar Crime Investigations Fiscal Year 1982

(Includes Field Supervisors)



TOTAL FIELD AGENTS: 1,609



FOREIGN COUNTERINTELLIGENCE

ALONG WITH ORGANIZED AND WHITE-COLLAR CRIME INVESTIGATIONS, FOREIGN COUNTERINTELLIGENCE REMAINS A MAJOR PRIORITY OF THE FBI. THE FBI WILL CONTINUE ITS EFFORTS TO DETECT, PENETRATE, AND EXPOSE HOSTILE INTELLIGENCE OPERATIONS OF FOREIGN COUNTRIES WITHIN THE UNITED STATES. FURTHER INFORMATION RELATIVE TO THE COUNTERINTELLIGENCE RESPONSIBILITIES OF THE FBI IS CONTAINED IN THE FOLLOWING EXHIBITS:

FOREIGN COUNTERINTELLIGENCE PROGRAM

The FBI is charged with the responsibility of Foreign Counterintelligence (FCI) investigations and foreign terrorist investigations within the United States. This FCI function is derived from various criminal statutes, such as the Espionage Statutes and Registration Acts. In addition, FCI investigations are conducted in accordance with Presidential Directives issued pursuant to the inherent power of the President to protect and defend the Constitution of the United States. Executive Order 12333, issued December 4, 1981, is the current Presidential authority for the FBI's FCI investigations. In compliance with existing Executive Orders, the Attorney General has established guidelines for the conduct of FCI activities in the United States. The first such guidelines became effective May 28, 1976. Within the parameters of these guidelines and statutes, the FBI is given discretion to develop and implement FCI programs.

The FCI mission is to identify and neutralize the threat posed by hostile intelligence services and their agents in the United States and the threat posed by nations, groups and individuals which constitute the sources of international terrorism. Activities to accomplish this mission include penetration, disruption, expulsion, arrest and prosecution.

In the course of fulfilling its FCI mission, the FBI serves the policy making levels of the U.S. Government by providing an overview of foreign intelligence activities within the United States. As a result, they are assisted in making informed decisions concerning national security requirements. The FBI also furnishes analyses to other agencies of the Executive Branch with specific intelligence responsibilities, enhancing the effectiveness of these agencies in accomplishing their missions. FBI investigative responsibilities have expanded due to a much wider geographic access, increase in numbers of individuals requiring investigation, and the use of sophisticated technical collection equipment on the part of foreign intelligence personnel.

An area of increasing concern and responsibility of the FBI's FCI program is international terrorism. The number of foreign terrorist investigations has also increased over the last year. The FBI is charged with primary jurisdiction and overall responsibility for direction of investigations with regard to international terrorist incidents.

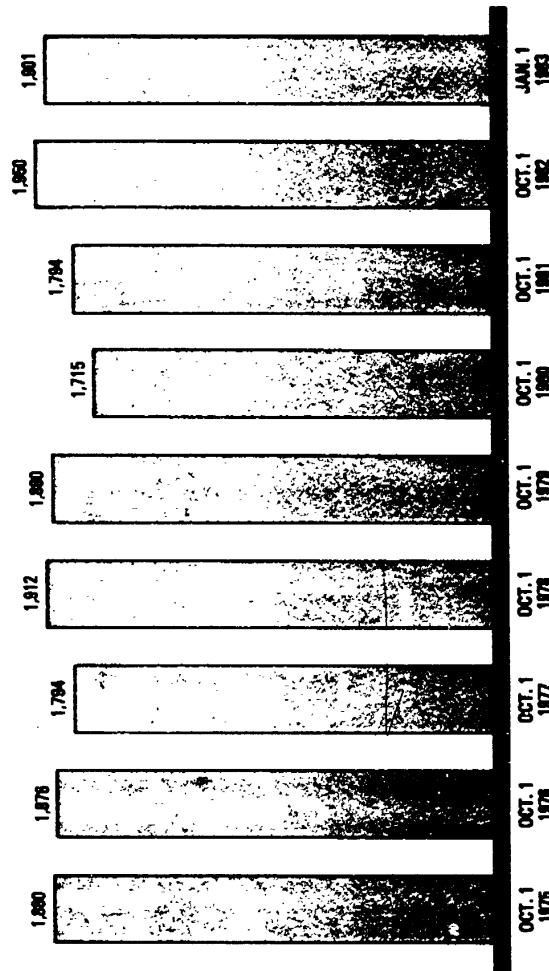
The FBI has a defined role within the Intelligence Community. Inasmuch as foreign-directed intelligence activities and terrorism are transnational in nature, the FBI must coordinate investigative operations with other United States agencies and cooperating foreign police and security services in order to insure the accomplishment of established FCI objectives. This liaison is a most integral component in the FBI's FCI program.



U. S. Department of Justice
Federal Bureau of Investigation



Total Soviet-Bloc Official Personnel In The United States



TERRORISM

APPROXIMATELY 99 PERCENT OF ALL TERRORIST ACTIVITY IN THE UNITED STATES FALLS WITHIN THE JURISDICTION OF THE FBI. THUS, IT IS THE FBI'S RESPONSIBILITY TO INSURE THAT THE PREVENTIVE (INTELLIGENCE-GATHERING) AND REACTIVE (CRIMINAL INVESTIGATIVE) CAPABILITIES OF THE FBI ARE SUFFICIENT TO MEET THE THREAT OF TERRORISM IN THIS COUNTRY. SEVERAL EXHIBITS DESCRIBING THIS PROGRAM FOLLOW:

TERRORISM INVESTIGATIONS

Terrorism investigations are undertaken in order to detect, prevent, and/or react to unlawful, violent activities of individuals or groups whose intent is to overthrow the Government; interfere with the activities of a foreign government in the United States; substantially impair the functioning of the Federal Government, a state government, or interstate commerce; or deprive Americans of their civil rights as guaranteed by the Constitution, laws, and treaties of the United States. The authority for these investigations is derived from Federal statutes and Orders from the President or the Attorney General. In addition, violations of certain Federal statutes, which would logically relate to terrorism--such as bombing matters, nuclear extortion, sabotage--and the protection of foreign officials, are handled within the Terrorism Program.

Terrorism is defined as the unlawful use or threatened use of force or violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives. In order to combat terrorism, quality intelligence must be gathered and acted upon to prevent planned violence from occurring. Intelligence in this regard refers to FBI investigations, together with their resultant product, which ascertain information on the activities of individuals or groups involved in violence and violations of Federal law for the purposes enumerated in the Attorney General's Guidelines.

Domestic security investigations, which represent only a small segment of the Terrorism Program, are based primarily on the Attorney General's Domestic Security Guidelines, which became effective in the FBI on April 6, 1976. As of February 6, 1983, there were 11 organizations and 49 individuals under investigation based on these Guidelines.

Domestic security investigations in the FBI underwent a radical change, both in number and in scope, as a result of the adoption of the Attorney General's Guidelines for Domestic Security. The FBI's policy of quality over quantity investigations and restricting investigations of individuals to leaders and policy makers has had a major effect on the limitation of domestic security cases.

The Domestic Security Guidelines have been rewritten and approved.

In recent years, the threat of terrorism to the security of the United States and to the President of the United States has steadily increased. To successfully counter the increasing threat, a redirection of FBI resources was considered necessary by the FBI. The amount of FBI resources directed toward terrorism steadily increased as terrorist activity against United States targets around the world increased. In view of these increased threats, the Director of the FBI decided to elevate terrorism to the status of a national priority program effective October 1, 1982.

Terrorist acts continue to be committed in the United States as evidenced by the assassinations of two Turkish diplomatic personnel by Armenian terrorists and the continued attacks by Croatian, Puerto Rican, anti-Castro Cuban, and Jewish Defense League terrorists.

Due to the increased acts of violence in the United States which are being perpetrated by terrorist groups, the FBI continues to search for innovative approaches to address this problem. The FBI is developing an analytical capability to assess the threat from both domestic and international terrorist groups to become more successful in preventing such acts. The FBI is also developing a Hostage Rescue Team to respond to and successfully terminate high threat hostage situations; and is continuing its use of special investigative techniques such as aircraft surveillance and technical coverage.

AGENT TIME SPENT BY MAJOR CATEGORY OF TERRORISM INVESTIGATIONS: FY 1982

<u>Major Category</u>	<u>Agent Work-years (Includes Field Supervisors)</u>	<u>Percent (%) of Program</u>	<u>Percent (%) of Total Field Agent Time</u>
Neutrality Matters	4	4%	.1%
RICO - Terrorism	14	14%	.2%
Passport and Visa Matters	4	4%	.1%
Domestic Security	12	12%	.2%
Atomic Energy Act	2	2%	---
Protection of Foreign Officials	17	17%	.2%
Domestic and Foreign-Based Bombing Matters	25	25%	.3%
Bombing Matters - Other attempts and actuals	2	2%	---
Espionage - X	9	9%	.1%
Bomb Threats	3	3%	---
Informants	6	6%	.1%
All Others	<u>2</u>	<u>2%</u>	<u>---</u>
Total Terrorism Program	100	100%	1.3%

OTHER INVESTIGATIVE RESPONSIBILITIES

IN ADDITION TO OUR EFFORTS IN THE AREAS OF ORGANIZED AND WHITE-COLLAR CRIME, TERRORISM, AND FOREIGN COUNTERINTELLIGENCE, THE FBI ALSO HAS A PROMINENT ROLE IN THE INVESTIGATIONS OF MANY REACTIVE-TYPE CRIMES. THESE INVESTIGATIONS, MOSTLY IN THE PERSONAL, GENERAL PROPERTY, FUGITIVE, AND GENERAL GOVERNMENT CRIMES PROGRAMS, DIRECTLY INVOLVE THE FBI AT THE STREET-LEVEL IN THE ATTACK AGAINST VIOLENT CRIME. DUE TO THE CONCURRENT JURISDICTION NATURE OF MANY OF THESE OFFENSES, FBI AGENTS AND STATE AND LOCAL POLICE OFFICERS AND INVESTIGATORS WORK TOGETHER TOWARD THEIR RESOLUTION AND PROSECUTION.

THE FOLLOWING EXHIBITS RELATE TO THE ABOVE PROGRAMS, AS WELL AS FBI RESPONSIBILITY IN CIVIL RIGHTS MATTERS AND INFORMANTS:

PERSONAL CRIMES PROGRAM

The Personal Crimes Program of the FBI addresses a group of reactive criminal investigative matters which involve the common characteristics of threatened or actual personal injury or loss of life. These crimes, which include bank robberies, extortions, kidnappings, aircraft hijackings, assaults against the President of the United States and other elected and appointed officials, among others, often have considerable impact on the communities and individuals involved due to their potential for violence, the high public profile of their victims, and their potential for substantial monetary losses. Through its investigations of these offenses, the FBI seeks to reduce the impact of personal crime victimization by providing an investigative response to reported violations; identifying, collecting, and preserving evidence to direct and support investigative efforts; conducting logical investigation to identify, locate, and apprehend criminals responsible for personal crimes; and providing prosecutive support to United States Attorneys' Offices, and, when requested, local prosecutive officials. The "street-crime" nature of many Personal Crimes Program offenses directly involves the FBI in an effort to stem the growing incidence of violent crime experienced by communities across the Nation.

Investigative accomplishments attributable to the Personal Crimes Program contributed substantially to the overall performance and success of the FBI during 1982. During this period, 1,477 arrests were made, 1,596 complaints were filed, 2,122 true bills of indictment were returned, and 2,119 Federal convictions were obtained. Ninety-seven percent of the convictions were for felony offenses. FBI investigative efforts also contributed to the convictions of 409 individuals in local courts for personal crimes in 1982.

For 1984, a total of 1,060 workyears are being requested for the Personal Crimes Program, including 682 agent workyears and 378 support workyears.

Forcible crimes against financial institutions--bank robberies, bank burglaries, bank larcenies, and extortionate demands against banking institutions--constitute the primary investigative area of the Personal Crimes Program. During 1982, Federal Bank Robbery Statute violations totaled 7,549, a decrease of one percent from Fiscal Year 1981. Losses attributable to these 7,549 crimes totaled \$39,793,957. Firearms or other weapons were used in 52 percent of the 6,765 bank robbery offenses. As of the close of Fiscal Year 1982, solutions were recorded in 4,163 of the 7,549 violations. Approximately 45 percent of the perpetrators identified in these solved cases were found to be users of narcotics. FBI investigation, either alone or in concert with state and local law enforcement, contributed to 73 percent of the solved cases in 1982.

Exhibit No. 23

Federal convictions for Bank Robbery Statute violations during 1982 totaled 1,832. Investigative efforts in this program area also yielded 1,188 arrests, 1,337 complaints, and 1,809 true bills of indictment. Among the FBI's accomplishments in the bank robbery area were the indictments of 11 individuals for a variety of crimes, including bank robbery, Hobbs Act, RICO, obstruction of justice, and others in connection with the October 1981 robbery of an armored truck in Nanuet, New York, and other crimes. Additionally, FBI investigative efforts contributed to the convictions of 338 individuals in local courts for bank robbery offenses. Hobbs Act offenses directed against financial institutions totaled 172 during 1982. Losses in these extortion/kidnap style offenses amounted to \$934,452. Resources requested for the Personal Crimes Program for 1984 include a planned allocation of 693 workyears (448 Agent and 245 support) for investigations of forcible crimes against financial institutions.

Major investigative efforts in several other areas of the Personal Crimes Program have yielded significant results. Four individuals, including a convicted contract killer and convicted narcotics dealer, were found guilty of charges including murder, conspiracy to commit murder, obstruction of justice and conspiracy to obstruct justice in connection with the May 1979, slaying of United States District Court Judge John H. Wood in San Antonio, Texas. One other person has pled guilty to charges of conspiracy to commit murder in this case. Three individuals have been found guilty and three others entered guilty pleas in connection with an August 1981 attempt to extort \$3 million from a Nevada hotel/casino complex. Five individuals were arrested after hiding 15 explosive devices in a Gulf Oil Company refinery and then attempting to extort \$15 million from the victim. Three individuals were charged and arrested for their involvement in the August 1982, abduction of an Illinois doctor and his wife. The victims were held hostage at an abandoned Army ammunition bunker for eight days before being released by the subjects who called themselves the "Army of God."

AGENT TIME SPENT BY MAJOR CATEGORY OF PERSONAL CRIMES INVESTIGATION: FY 1982

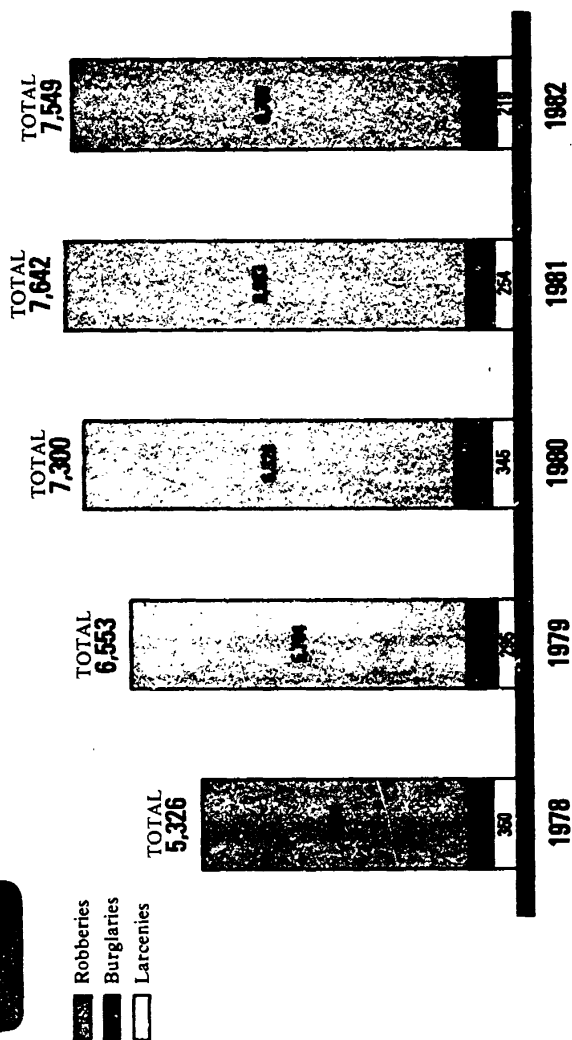
<u>Major Category</u>	<u>Agent Workyears (Includes Field Supervisors)</u>	<u>Percent (%) of Program</u>	<u>Percent (%) of Total Field Agent Time</u>
Kidnaping	48	6.7%	.7%
Extortion	44	6.1%	.6%
Assaulting or Killing a Federal Officer	28	3.9%	.8%
Congressional Assassination	5	.7%	.1%
Forcible Crimes Against Financial Institutions	546	76.2	7.9%
Hobbs Act - Commercial Institutions	21	2.9%	.3%
Crime Aboard an Aircraft	10	1.4%	.1%
Assaulting the President	8	1.1%	.1%
All others	<u>7</u>	<u>1.0%</u>	<u>.1%</u>
Total	<u><u>717</u></u>	<u><u>100.0%</u></u>	<u><u>10.7%</u></u>



U. S. Department of Justice
Federal Bureau of Investigation

Federal Bank Robbery Statute

Violations Reported



FUGITIVE INVESTIGATIONS

In 1982, a total of 7,993 fugitives wanted by the FBI were successfully taken into custody. This total includes 6,311 "arrests" and 1,682 "locates." Of those taken into custody, 1,303 were being sought at the request of state, local and other Federal agencies, including the Department of Defense, for violations of the Unlawful Flight Statute, escaped Federal prisoners, bond default, and military deserters. Included in this number were 1,169 fugitives being sought on behalf of the local and state law enforcement community under provisions of the Unlawful Flight Statute. The remaining 6,690 fugitives arrested or located during 1982 had been charged with substantive Federal violations within the FBI's investigative jurisdiction.

The FBI and Drug Enforcement Administration (DEA) are continuing various avenues of cooperation to attack major drug offenders and traffickers. During 1982, DEA referred 403 fugitive cases to the FBI for investigation. The subjects of these cases are Class I and Class II violators for whom Federal warrants are outstanding. FBI investigation resulted in the arrests of 47 DEA fugitives during 1982.

The Department of Justice referred 139 Selective Service Act cases to the FBI for investigation during Fiscal Year 1982. The Department of Justice notified the FBI in January 1983 that the level of referrals would be increased and, during that month, 128 new matters were forwarded to the FBI for handling. The subjects of these cases are individuals who are suspected of willfully failing to register. Each case is coordinated closely with the appropriate U.S. Attorney's office in an effort to secure the subject's compliance with the Act before prosecution is undertaken. Although the subjects of these cases are not fugitives at present, enforcement of the statute is administered within the fugitive program.

The FBI's responsibilities for seeking individuals wanted for substantive violations within its jurisdiction, and those wanted by the local and state law enforcement community who have fled across state lines to avoid apprehension or confinement, remain unchanged.

AGENT TIME SPENT BY MAJOR CATEGORY OF FUGITIVE INVESTIGATIONS: FY 1982

<u>Major Category</u>	<u>Agent Workyears (Includes Field Supervisors)</u>	<u>Percent (%) of Program</u>	<u>Percent (%) of Total Field Agent Time</u>
Bond Default and Desertion	1	.4%	---
Escaped Federal Prison	6	2.3%	.1%
Selective Service Act	2	.8	---
Unlawful Flight to Avoid Prosecution - Subject wanted for violent crime.	183	70.4%	2.6%
Unlawful Flight to Avoid Prosecution - Subject wanted for property crime or narcotics	22	8.5%	.3%
Unlawful Flight to Avoid Prosecution - All others	17	6.5%	.3%
Drug Enforcement Administration and other Federal Agency Fugitives	23	8.8%	.3%
Domestic Police Cooperation	<u>6</u>	<u>2.3%</u>	<u>.1%</u>
Total	<u>260</u>	<u>100.0%</u>	<u>3.7%</u>

948

CIVIL RIGHTS INVESTIGATIONS

The Civil Rights Program of the FBI investigates matters that involve the actual or attempted abridgement of rights provided to citizens and inhabitants of the United States under the Constitution and laws of the country. The primary objective of this program is to enhance and protect those rights through expeditious investigation of matters within FBI jurisdiction. Both civil and criminal matters are investigated in close coordination with the Civil Rights Division of the United States Department of Justice.

The FBI investigated 9,150 civil rights cases in fiscal year 1981 and 8,290 cases in fiscal year 1982. It is estimated that between 8,000 and 9,000 civil rights cases will be investigated during the current fiscal year. Civil rights investigations, many of which are extensive, are conducted pursuant to policy established by the United States Department of Justice.

Resources will also be used in 1984 to provide specialized instructional programs to FBI Field Supervisors and Managers at the FBI Academy, Quantico, Virginia, to enhance managerial and investigative skills of Special Agents in civil rights investigations, including keeping abreast of the complex Civil Rights Statutes, in order to afford timely, accurate, and effective responses in civil rights matters.

Similar programs will be conducted for local and state law enforcement officers attending the FBI National Academy at Quantico, Virginia, to increase their knowledge concerning Constitutional rights and the special duties and obligations which the law imposes on them in upholding and protecting such rights.

In fiscal years 1981 and 1982, twenty-four hours of instruction were provided to 48 FBI Supervisors at the FBI Academy to improve their managerial techniques in civil rights investigations. FBI Headquarters management personnel also provided 48 hours of instruction each year in civil rights matters to state and local police officers attending the FBI National Academy. It is estimated that similar amounts of time will be devoted to instruction in civil rights matters during the current fiscal year.

AGENT TIME SPENT BY MAJOR CATEGORY OF CIVIL RIGHTS INVESTIGATIONS: FY 1982

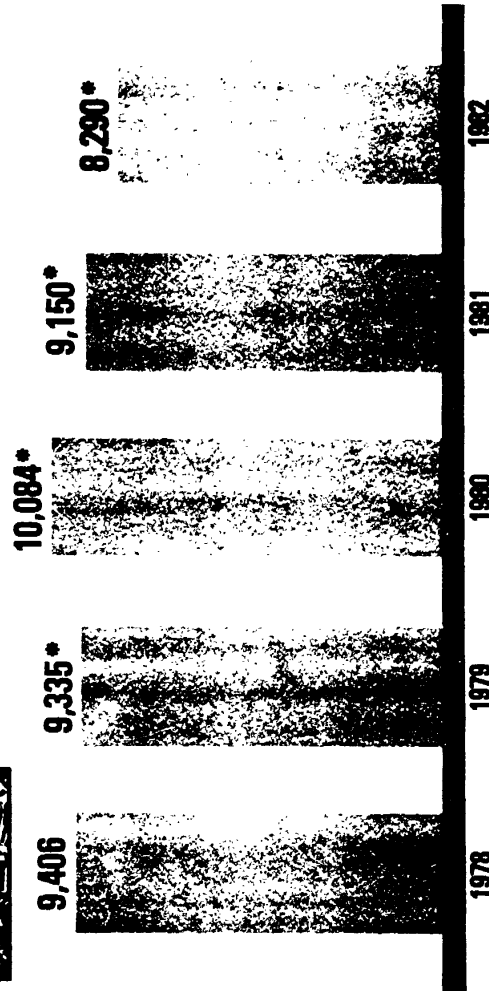
<u>Major Category</u>	<u>Agent Workyears (Includes Field Supervisors)</u>	<u>Percent (%) of Program</u>	<u>Percent (%) of Total Field Agent Time</u>
Civil Rights - Preliminary investigations involving violence	84	74.0%	1.1%
Civil Rights - All other preliminary investigations	6	5.2%	.1%
Civil Rights - Miscellaneous	10	8.9%	.1%
Civil Rights Act of 1964	2	1.4%	...
Discrimination in Housing	5	4.4%	.1%
Involuntary Servitude and Slavery	6	5.1%	.1%
All others	<u>1</u>	<u>1.0%</u>	<u>...</u>
Total	<u>114</u>	<u>100.0</u>	<u>1.5%</u>



U. S. Department of Justice
Federal Bureau of Investigation

Civil Rights Cases Received By The FBI

Fiscal Years (1978 - 1982)



* These figures include violations of both criminal & civil statutes

GENERAL GOVERNMENT CRIMES PROGRAM

The FBI investigates major violations involving criminals and criminal groups whose activities are directed against property owned by the United States Government and/or individuals who are located on property where the United States has investigative jurisdiction. These crimes involve theft of Government weapons or explosives, high-value property, and acts of violence, (i.e., homicides, assault, and robbery) occurring on Government reservations, in Indian Country, and in Federal penitentiaries. This includes approximately 430 major Department of Defense installations and 125 Indian reservations. During 1982, 1,178 criminal informations and indictments were obtained, 1,055 persons were convicted in Federal court, 680 were arrested and/or located, and recoveries amounting to \$3,829,488 were accomplished under this program.

Crime on Government reservations frequently involves violence, such as a recent case where a United States Post Office worker, the mother of one child, was abducted and brutally murdered by four persons. The victim was performing official duties on an Arizona Indian reservation when the four subjects, two males and two females, forced their way into her vehicle and drove off. Two days later, the victim's body - beaten, stabbed, and throat cut, was found in a garbage dump. The four subjects involved were convicted and sentenced to life imprisonment for their involvement in this crime.

Thefts of Government property are also the focus of General Government Crimes program investigations. Investigation into the wholesale thefts of major home appliances from a military warehouse in Kentucky resulted in 14 persons facing theft of Government property and related charges and the recovery of more than 60 stolen appliances. Appliances stolen from the warehouse were being resold on the black market.

The Nation's Indian reservations remain vulnerable to civil disturbances which can result in widespread lootings, arson and crimes of violence. The FBI and the Departments of Justice and Interior have executed a Memorandum of Understanding which delineates the respective roles of Federal law enforcement agencies in future Indian reservation civil disturbances. This will achieve an improved reactive response in future civil disturbances, thus enabling law enforcement to lessen the magnitude of disruption in future occurrences.

GENERAL PROPERTY CRIMES PROGRAM

Property crime continues to account for 90 percent of all reported crime in the United States with an increase of 61 percent between 1972 and 1981. The FBI Property Crimes Program includes investigations of armed robbery and burglary of jewelry, precious metals, artworks, and other valuable property, and thefts of automobiles, trucks, aircraft, and heavy construction equipment. These crimes often include acts of violence in either the commission of the crime or the subsequent trafficking in stolen property. One indicator of the magnitude of the property crime problem and the cost to the American public is that during 1981, 1,073,988 motor vehicle thefts, with a loss value of \$3.4 billion, were reported to police, according to Uniform Crime Report data.

The objective of this program is the identification and solution of property crimes within the jurisdiction of the FBI, particularly those of a patterned, commercialized, or major nature. The arrest and prosecution of top thieves, fences, and organized crime figures continue to be essential due to the mobility of both property and individuals across state boundaries, which presents jurisdictional, investigative, and prosecutive problems which may be impossible for local authorities to overcome.

In addition to the traditional investigative approach, the use of the undercover technique has proven to be extremely effective in combating property crime. By utilizing Special Agents posing as thieves and fences, numerous theft rings have been penetrated and direct evidence obtained, resulting in successful prosecutions of those directly involved in criminal activity as well as high level individuals who had previously insulated themselves from prosecution. These operations have frequently established a direct connection between property crimes and organized crime and have developed substantial information regarding the flow of narcotics and the corruption of public officials.

Property crime undercover operations have successfully penetrated organized crime related automobile theft and "chop shop" operations in New York and Chicago, and have identified individuals, including Mexican officials, responsible for the theft and export of vehicles and heavy equipment to Mexico and South America. Operations in Cleveland, Las Vegas, and Washington, D.C., have resulted in the identification of individuals responsible for burglaries and thefts of precious metals and other valuable property. Current operations are targeted at thefts of the above items as well as at thefts of oil field equipment and thefts from interstate shipments of computer equipment and technology.

During 1982, General Property Crimes investigative efforts resulted in 1,283 Federal convictions, 1,090 arrests, and 186 subjects located. In this period, stolen property in the amount of \$151,583,971 was recovered, \$1,911,791 in fines were assessed, and \$184,064,786 in potential economic loss prevented. Additionally, another 258 persons were convicted in local court for property crime related offenses as a result of FBI investigations.

FBI INFORMANTS

Many sources of information are available to the FBI, but informants undoubtedly provide the single most important means of obtaining information in the most complex investigations. The nature of investigation has become more complicated, and criminal enterprises have reached the degree of sophistication where any appreciable degree of success would be impossible without the use of informants. Most of the long-term undercover operations and the utilization of electronic surveillance would not be possible without the participation of informants. Informants provide information of intelligence value leading to the solution of crimes, the recovery of stolen property and contraband, the location of wanted persons, and the detection of crimes in the planning stages.

Informants furnish information regarding criminal acts which are in violation of state laws and of Federal law over which the FBI does not have jurisdiction. This information is disseminated to the appropriate law enforcement agency and has greatly assisted law enforcement at all levels.

The FBI attempts to develop informants who have a willingness and ability to provide information on a regular basis and are of known reliability in matters within its investigative jurisdiction. The ability to control these individuals is also utilized as a factor in determining their suitability to act as FBI informants.

Informants are paid on a cash-on-delivery basis for services rendered and expenses incurred. The amount paid to an informant is determined by the FBI based on the value of the information received.

Informants are not used by the FBI to circumvent legal or ethical restrictions. They are given specific instructions not to participate in acts of violence, use unlawful techniques to obtain information, or initiate a plan to commit criminal acts. Informants are sometimes allowed to participate in criminal activities with persons under investigation if it is determined necessary to obtain information needed for purposes of Federal prosecution. If this participation in criminal acts involves serious criminal activity, authorization is obtained from the U.S. Department of Justice prior to an informant's being used.

TRAINING

ALL NEW AGENT APPOINTEES MUST ATTEND A TRAINING COURSE AT THE FBI ACADEMY IN QUANTICO, VIRGINIA. THIS TRAINING, IN-SERVICE TRAINING FOR FBI PERSONNEL AND FIELD FEDERAL TRAINING WILL REQUIRE \$21,832,000 AND 410 POSITIONS.

COST-FREE TRAINING FOR STATE AND LOCAL LAW ENFORCEMENT OFFICIALS IS PROVIDED AT THE FBI ACADEMY AND THROUGHOUT THE FIELD. THIS PROGRAM ACCOUNTS FOR \$14,472,000 AND 283 POSITIONS. THE FOLLOWING EXHIBITS DESCRIBE THESE TRAINING PROGRAMS:

FBI TRAINING

Training provided by the FBI can be generally categorized into two areas: Basic - new agents' training at the FBI Academy, and Specialized - in-service training for Special Agents and support personnel at the Academy and at the field office level.

The New Agents' Training Program provides a high level of instruction to insure that basic knowledge and skills are developed to enable new Special Agents to discharge their complex responsibilities when they are initially assigned to investigative operations in the field. The First Office Agent also receives professional guidance, assessment and training during the probationary period in the field.

Specialized training is accomplished through formal in-service programs conducted at the FBI Academy for Special Agents and support personnel. Direct field support programs utilizing FBI Academy instructors and/or police instructors assigned to the various field offices afford additional in-service training at the field level.

In-service training is designed to develop the full potential of all FBI personnel and to specifically enable them to:

- conduct complex investigations in the highest national priority areas: organized crime, white-collar crime, and foreign counterintelligence, as well as carry out all other general criminal investigations, and

- apply basic law enforcement skills and knowledge such as legal, behavioral science, firearms, defensive tactics, and raid and arrest techniques.

Employees participate in sophisticated management, assessment, and education programs to improve the abilities of support managers as well as the mid- and upper-level FBI executives to more effectively carry out their complicated responsibilities, including personnel and program management, affirmative action, media relations, and budgeting.

In-service training provides job enrichment and career development opportunities for personnel through educational programs at the FBI Academy and elsewhere.

Training efforts at the Academy and in the field support crisis management training for FBI personnel who will be expected to respond in the event of terrorism, aircraft hijackings, hostage incidents, and other life-threatening situations.

FBI training efforts include faculty improvement and research and development programs, which are essential to provide effective direct field support and training program improvement and assessment.

During Fiscal Year 1982, 5,663 FBI employees attended various training sessions conducted at the FBI Academy. Three-hundred forty-eight new agents received training during this period, with 332 actually graduating during the fiscal year. Specialized in-service training included courses in white-collar crime, organized crime, foreign counterintelligence, legal matters, crisis management, forensic science matters, behavioral science topics, pilot training and certification, management and executive development, technical and electronic training, and instructor and special seminars.

POLICE TRAINING OPERATIONS

The FBI provides courses of instruction for state and local criminal justice practitioners on a cost-free basis, both at the FBI Academy and throughout the United States at state, regional, and local training facilities in order to improve their administrative, investigative, management, and technical capabilities. This instruction is offered consistent with instructional expertise, availability of personnel, and budgetary limitations.

The principal course offered at the FBI Academy is the "FBI National Academy Program." This is an eleven-week, multi-discipline course for seasoned law enforcement managers nominated by their agency heads because of their potential for continuing advancement. Sessions are conducted four times a year for a total of 1,000 officers annually. The academic courses in this program are accredited by the University of Virginia. By the end of Fiscal Year 1982, 16,389 officers had completed this program, with one out of seven of the graduates who are active in law enforcement being the head of their agency.

In response to a void in executive training, in 1976 the FBI initiated the National Executive Institute. This 18-day program, specifically designed for the police chief executives of our Nation's largest law enforcement agencies, is conducted at the FBI Academy on an annual basis. Over 150 chief executives have graduated from this program. In fiscal year 1981 the Law Enforcement Executive Seminar, which is designed for police chiefs from mid-sized agencies, was implemented. By the end of fiscal year 1982, 83 police executives had graduated from this course.

Specialized schools and courses dealing with a broad range of criminal justice related topics, such as Police Personnel Communications, Hostage Negotiation, Terrorism and Counterterrorism, Death Investigations, Interpersonal Violence, Criminal Psychology, Law Enforcement Laboratory Matters, and similar subjects, are offered at the Academy. They range in length from three days to four weeks and during fiscal year 1982, 145 specialized schools and symposia were offered for 3,904 state and local law enforcement officers.

In addition to course offerings, FBI Academy faculty provided research and consultation to local law enforcement on a myriad of topics and investigative techniques, including psycholinguistics, forensic hypnosis, psychological profiling of unknown subjects of multiple homicide and sex crime cases, hostage negotiations, and crisis management.

Exhibit No. 35

During fiscal year 1982, FBI instructors provided 66,244 hours of instruction in 5,390 law enforcement schools attended by 167,900 criminal justice practitioners in the field.

Instructors from FBI Headquarters supported this field training effort in a variety of subjects such as Forensic Science, Applied Criminology, Identification Matters, Management, Uniform Crime Reporting, Arson, Death Investigation, and Instructor Development. The Training, Laboratory, Identification, Criminal Investigative, and Technical Services Divisions offered a total of 481 specialized schools to local, county, and state criminal justice personnel reaching over 12,000 students.

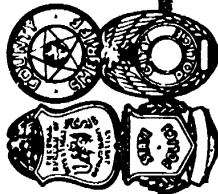
As an adjunct to police training matters, the FBI has traditionally offered training in ongoing courses to a few select foreign police officers. Since 1938, the FBI has trained 637 officers from friendly foreign nations in the National Academy Program. During fiscal year 1982, the FBI initiated the Caribbean Police School in Puerto Rico in which fifteen U.S. police officers and 29 officers representing 11 foreign countries were trained in basic criminal investigative matters.



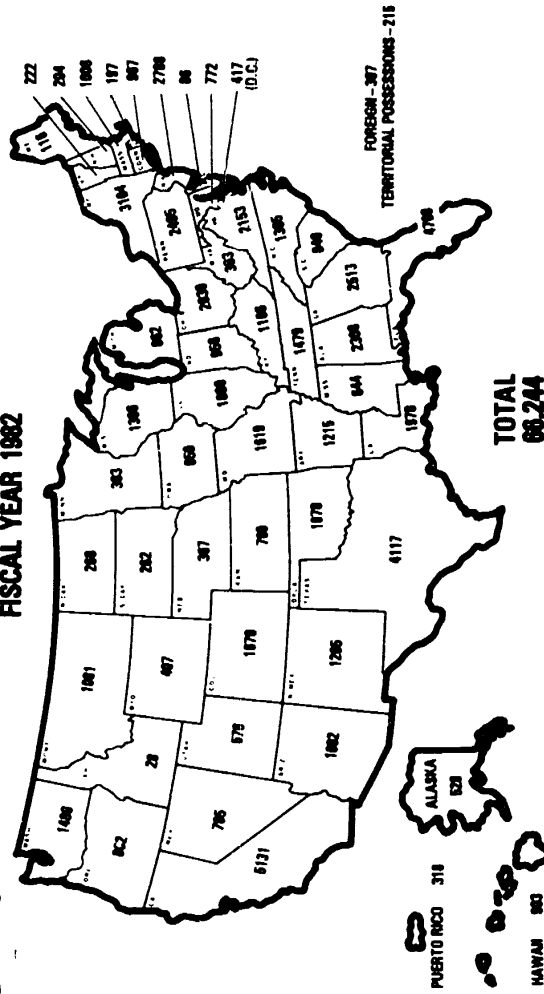
U. S. Department of Justice
Federal Bureau of Investigation

Field Police Training

Hours of Instruction Received by Criminal Justice Personnel
from FBI Special Agent Instructors (Geographical Distribution)

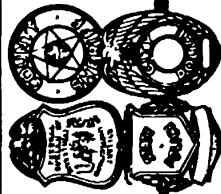


FISCAL YEAR 1982



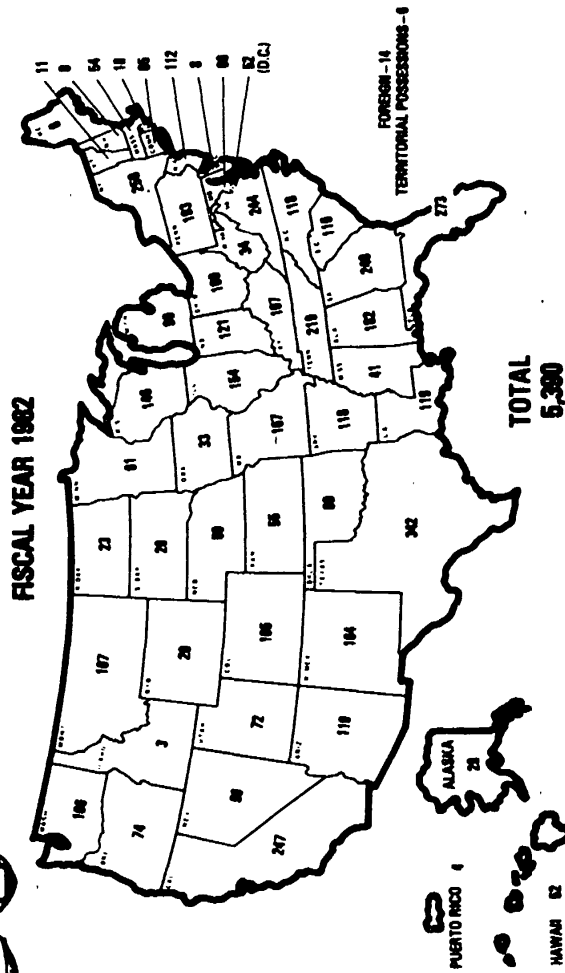


U. S. Department of Justice
Federal Bureau of Investigation



Field Police Training

Number of Schools in Which FBI Provided Training Assistance
(Geographical Distribution)



LABORATORY SERVICES

A TOTAL OF \$15,415,000 AND 321 POSITIONS WILL BE NEEDED FOR LABORATORY EXAMINATIONS AND EXPERT TESTIMONY INVOLVING FBI CASES. THIS PROGRAM PROVIDES THE FBI WITH SCIENTIFIC AND TECHNICAL SUPPORT AND TRAINING IN THE LATEST FORENSIC SCIENCE TECHNIQUES. IDENTICAL SERVICES ARE PROVIDED TO ANY STATE AND LOCAL LAW ENFORCEMENT AGENCY LACKING THE CAPABILITY TO CONDUCT THE EXAMINATION. THIS WILL REQUIRE \$7,447,000 AND 122 POSITIONS IN FISCAL YEAR 1984. THESE TWO PROGRAMS ARE EXPANDED UPON IN THE FOLLOWING EXHIBITS:

Laboratory Services

The FBI Laboratory is one of the largest and most comprehensive crime laboratories in the world. Since its inception in 1932, it has provided leadership and service in the scientific solution and prosecution of crimes in the United States.

FBI Laboratory services are funded and administered under two programs called Forensic Services - Federal and Forensic Services - Non-Federal. Although a distinction is made in administering funds and capturing statistics, all Laboratory examiners and technicians work in both programs using the same laboratory facilities and instrumentation.

Under the Forensic Services - Federal program, FBI laboratory examiners participate in ongoing field investigations by conducting crime scene searches; performing special surveillance photography; executing search warrants; and providing other on-scene scientific and/or technical services as necessary. Forensic examinations of evidence are performed in the Laboratory in support of FBI and other Federal investigations. Expert court testimony and demonstrative evidence are provided as necessary to enhance prosecutive efforts. Funding in this program also supports an active and successful forensic science research program and forensic science training for Federal investigative and crime laboratory personnel at the newly completed Forensic Science Research and Training Center. This 7.5 million dollar facility was painstakingly designed and equipped to meet the rigorous demands of these activities.

Under the Forensic Services - Non-Federal Program the extensive resources of the FBI Laboratory are made available to state and local law enforcement agencies throughout the United States. The present policy is to concentrate on providing sufficient training to state and local crime laboratory examiners of physical evidence to decrease their dependence on the FBI Laboratory. Direct services will continue to be provided when law enforcement agencies do not have access to jurisdictional laboratories and where the jurisdictional laboratory does not have the necessary instrumentation and/or expertise to perform the indicated examination.

The success of efforts to decrease reliance of state and local law enforcement agencies on the FBI Laboratory, through providing highly specialized training in forensic disciplines to their crime laboratory examiners, is dependent upon adequate funding for this program. Much of this training is not available anywhere else in the United States and without it jurisdictional laboratories will find it difficult to improve and expand their capabilities.

FBI LABORATORY ACCOMPLISHMENTS

During fiscal year 1982, the Laboratory received 19,368 requests for examinations containing 155,554 specimens. More than 795,000 examinations were conducted on these specimens. Of those examinations performed, approximately 529,000, or 67%, were conducted at the request of FBI and other Federal agencies. The remaining 33%, or approximately 266,000 examinations, were performed pursuant to requests received from the non-Federal sector (state, county, and municipal law enforcement agencies). In 1982, Laboratory examiners responded to 1,034 commitments for testimony in courts of various jurisdiction throughout the United States. These commitments required the expenditure of 2,228 workdays. In slightly less than 18% of these commitments FBI examiners were not required to take the stand because of guilty pleas, case dismissals, stipulations, etc. These court appearances without testimony required a total of 376 workdays.

Other notable accomplishments include the translation of 9,108 pages of foreign language text and the preparation of 6,135 investigative and prosecutive aids.

CURRENT FBI LABORATORY RESEARCH AND TRAINING EFFORTS

The Forensic Science Research and Training Center located at the FBI Training Academy was formally opened and dedicated on June 16, 1981. This unique facility houses both research and training laboratories and classrooms, and serves to meet the needs of the forensic science community by providing an outstanding environment for practical "hands-on" training and applied research.

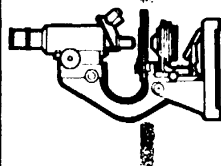
The FBI Laboratory engages in a full program of forensic science training for Federal, state, and municipal law enforcement/crime laboratory personnel. During FY 1981, over 1,200 individuals representing various Federal investigative agencies received training in one or more forensic science topics. This training program is designed to maximize the use of physical evidence in the solution and prosecution of crime and enhance the capabilities of personnel from state and local crime laboratories throughout the United States, thereby serving to reduce their respective organization's dependence on FBI Laboratory facilities.

In order to stay abreast of advancing technology, the FBI Laboratory engages in a research program which encompasses the entire range of forensic disciplines and focuses on targets identified through close liaison not only with FBI investigators, but with the entire law enforcement community. Results of this research are shared through publication of the "Crime Laboratory Digest," which is circulated throughout the law enforcement community. Laboratory scientists also prepare articles for various scientific journals. The most recent noteworthy advances in research include sex determination from a dried bloodstain and the introduction of a tagging technique for identifying stolen gasoline in bulk quantities.

Exhibit No. 40



U. S. Department of Justice
Federal Bureau of Investigation

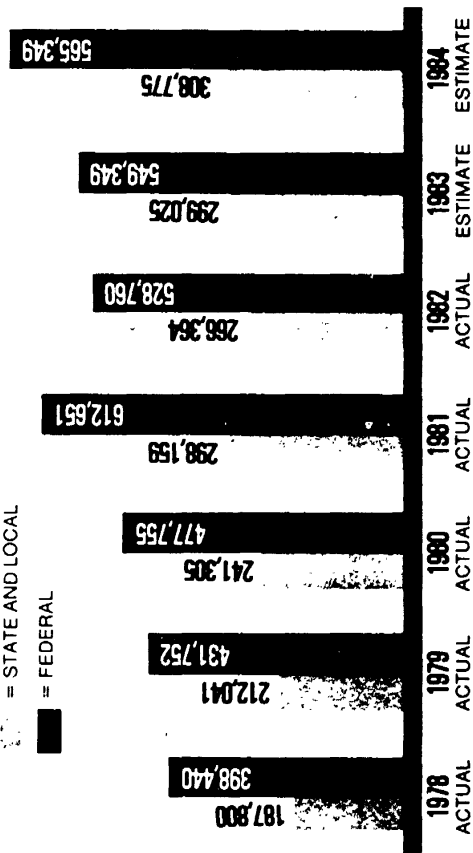


FBI Laboratory Examinations for Federal, State and Local Agencies

Fiscal Years

▨ = STATE AND LOCAL

■ = FEDERAL



FINGERPRINT IDENTIFICATION

THE FBI MAINTAINS THE LARGEST FINGERPRINT STORAGE AND RETRIEVAL SYSTEM IN THE COUNTRY. LATENT FINGERPRINT EXAMINATIONS AND EXPERT TESTIMONY ARE ALSO AVAILABLE. UNDER THIS REQUEST THE FINGERPRINT IDENTIFICATION PROGRAM WILL REQUIRE 2,686 POSITIONS AND \$110,644,000, A DECREASE OF 145 POSITIONS FROM THE PREVIOUS YEAR. THE FOLLOWING EXHIBITS RELATE TO FBI FINGERPRINT OPERATIONS:

FINGERPRINT WORK OPERATIONS

The FBI's Identification Division serves as the Nation's centralized repository and clearinghouse for fingerprint records. In that capacity, the Division furnishes identification and criminal history record services to over 18,000 agencies which are authorized by Federal statutes, regulations and executive orders to utilize the Division's services. The Division's fingerprint files act as a "locator" or "index" of criminal arrest activity throughout the United States, thus avoiding time-consuming and costly checks of all 50 states to ascertain a person's complete criminal history.

When the Division was created by an Act of Congress in 1924, it began operation with about 810,000 fingerprint cards. As of February 1, 1983, the Division possessed over 177 million fingerprint cards, of which over 80 million contain criminal history data on over 21 million persons. The remaining 97 million fingerprint cards relate to over 45 million persons who have been fingerprinted in connection with employment in Federal Government agencies, military service, alien registration, and personal identification.

The continued great amount of reliance placed upon the Division's services is evidenced by its enormous workload. During each workday of fiscal year 1982, the Division received an average of 38,962 pieces of mail, of which 22,987 were fingerprint cards and 15,975 were other types of mail, including name-check requests, disposition forms, expunction/purge requests, and requests by individuals to review and/or revise their records. These items of mail were submitted by: Federal, state and local criminal justice agencies for law enforcement purposes; Federal, state and local government agencies and officials for employment and licensing purposes; authorized foreign governments for international police cooperation purposes; and banking, securities and commodity futures institutions for employee security purposes.

The Division provides the following services: arrest and applicant fingerprint card identification and recordkeeping; posting of wanted and probation/parole notices; examination of physical evidence and crime scenes for latent fingerprints, and provision of court testimony as to the results, when needed; training in fingerprint science; and identification of amnesia victims and unknown deceased persons.

Major accomplishments during fiscal year 1982 included: the processing of about 6 million fingerprint cards and over 4 million other pieces of correspondence; the identification of 17,283 fugitives by their fingerprints; the handling of 20,279 latent fingerprint cases, some of which involved the use of advanced laser technology; and the furnishing of assistance in the identification of deceased victims of four major air disasters.

In order to alleviate the excessively backlogged work condition of the Division, the FBI suspended Public Law 92-544 services (i.e., those to banking institutions, and state/local employment and licensing authorities) during

fiscal year 1982. The one-year suspension action fulfilled its purpose. By the end of 1982, both the work backlog and average processing time of the Division had been more than halved. Accordingly, full services were restored on October 1, 1982. Also, on October 1, 1982, a user-fee system was implemented by which a fee of \$11 or \$12 is charged for each applicant fingerprint card submitted by the banking, securities and commodity futures trading industries, and by state/local employment and licensing authorities. The fees are being used to pay for the personnel and related costs of providing the services.

FINGERPRINT WORK ACCOMPLISHMENTS

The fingerprint workload continues to be heavy. The following table lists the Identification Division's major work production accomplishments during fiscal year 1982:

<u>Type of Accomplishment</u>	<u>Number of Accomplishments</u>
Fingerprint cards processed	5,977,937
Correspondence, forms, and name checks processed	4,045,265
Expedite and special requests processed	95,998
Disposition reports processed	1,678,000
Wanted and probation/parole notices maintained on file	175,749
Fugitives identified by fingerprints	17,283
Expungement and purge requests processed	285,715
Nonserious offense entries deleted from arrest records	246,761
Latent fingerprint cases handled	20,279
Suspects identified from latent fingerprint examinations	3,731
Federal, state and local court appearances made by Latent Fingerprint Experts	372
Sentences resulting from court proceedings:	
Prison terms (years)	2,858
Life sentences	24
Death sentences	10

Exhibit No. 43

AUTOMATION OF FINGERPRINT WORK OPERATIONS

The FBI has pursued a program to automate the work operations of its Identification Division for nearly 16 years. Starting in 1967, the FBI sponsored research to develop: (a) computerized equipment which would automatically scan and read inked fingerprints appearing on fingerprint cards; and (b) computer programs which would compare and match the computerized fingerprint data. By 1969 experimental models of fingerprint reader equipment and matching programs had been successfully demonstrated. A study performed in 1971 concluded that it would be technically, economically and operationally feasible to incorporate automated fingerprint reader and matching equipment into the Division, and to automate the other work processes of the Division, such as name searching and response generation. Consequently, the FBI devised a general plan to develop a fully automated system to be known as the "Automated Identification Division System (AIDS)." Because of the magnitude of the task, it was necessary to divide the project into three phases (known as "AIDS-I," "AIDS-II," and "AIDS-III") and to implement the phases over a period of several years.

The following progress has been made to date toward the goal of fully automating the Identification Division's work operations:

<u>Year</u>	<u>Automation Accomplishments</u>
1972	A prototype automatic fingerprint reader was delivered to the FBI.
1973	AIDS-I operations began on August 30, 1973. This phase provided for the building of a computerized file of identification and arrest data on first offenders, the printing of 3 x 5-inch cards for the Division's manual criminal name indices, and the printing of "No Record" or arrest record responses to fingerprint cards, name checks, and other types of inquiries. To date, over 6.8 million first offender records have been entered into the system and kept updated with subsequent arrest and disposition data.
1976-7	Five production-model fingerprint readers were delivered to the FBI and placed into operation converting the Division's criminal fingerprint searching file into computerized form. To date, over 15.7 million fingerprint cards have been converted.
1979	AIDS-II superseded AIDS-I on October 18, 1979. This phase, which is the one presently operational, provides for enhanced AIDS-I capabilities (e.g., allows for "on-line" versus previous "batch" processing) and computerized name searching in place of the generation of name index cards for the manual name indices. Computerized name searching of the automated arrest record file was initiated on October 29, 1979, and now represents 48 percent of the name searching performed by the Division.

Year	Automation Accomplishments
1979	Began pilot automated fingerprint searching in one of the 23 units of the criminal fingerprint searching file. To date, 14 of the 23 units have been converted to automated fingerprint searching. Presently, 58 percent of the Division's fingerprint searching is performed automatically.
1981	A semiautomatic fingerprint reader system with 20 input stations was delivered to the FBI. This equipment is being used to computerize fingerprints which cannot be read by the fully automatic fingerprint readers, i.e., low-quality inked fingerprints and latent fingerprints.
1982	An automated user-fee system was implemented to charge for the processing of noncriminal/non-Federal applicant fingerprint cards.
1982	The system concept for AIDS-III was developed. When implemented in the future, this phase will combine all of the previously-developed capabilities (e.g., automated name and fingerprint searching) and data bases (e.g., the automated first offender file and the computerized criminal fingerprint searching file) with new capabilities (e.g., a conveyor beltway system which will automatically transport fingerprint cards from one work station to another) to make up a fully integrated, highly efficient system.

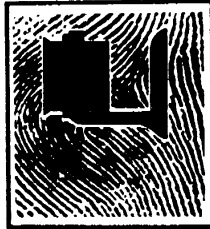
The next step in the automation project is to proceed with the implementation of AIDS-III. This phase was originally scheduled to be completed in 1983; however, funding for AIDS-III was withheld from the 1980, 1981, and 1982 budgets. The reason for withholding funds in 1981 and 1982 was to await the results of a study by the Jet Propulsion Laboratory (JPL) on the feasibility of implementing AIDS-III. JPL completed its study in August 1982. It found that AIDS-III is technically, economically and operationally feasible; and, with certain suggested changes, recommended that the project proceed.

JPL's suggestions have been used to improve the AIDS-III system concept, and the concept is now ready to be implemented. A procurement plan and installation timetable have been developed. The plan calls for a contract to be awarded in 1984 for the acquisition of AIDS-III, with the system to be completed in the last quarter of calendar year 1987 or the first quarter of 1988.

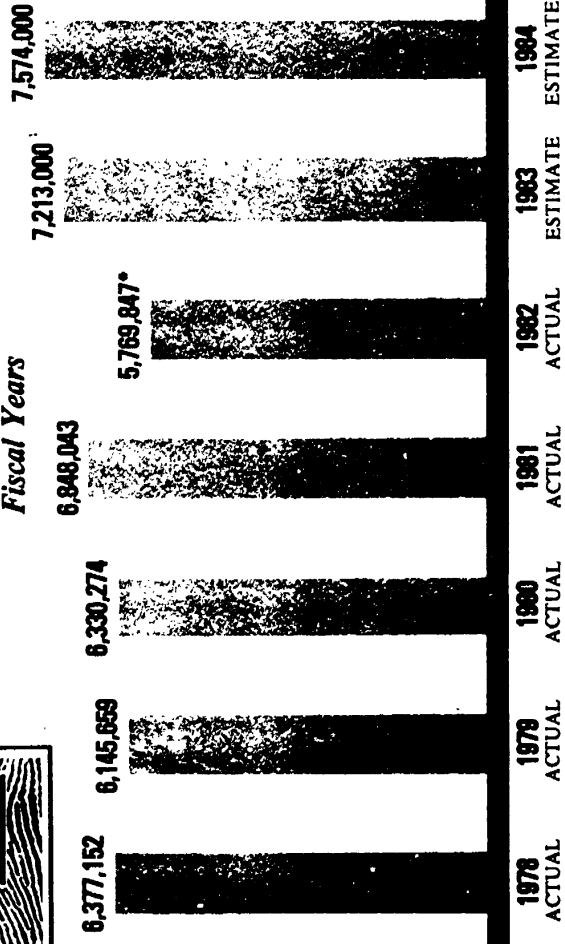


U. S. Department of Justice
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Fingerprint Receipts



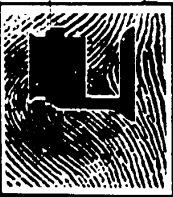
Fiscal Years



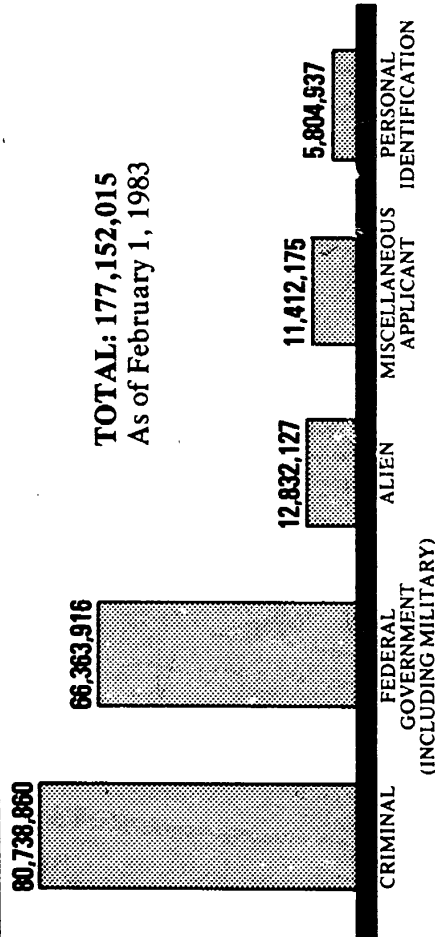
* REFLECTS REDUCTION OF APPROXIMATELY 1.4 MILLION FINGERPRINT RECEIPTS DUE TO SUSPENSION OF PUBLIC LAW 92-544 DURING FISCAL YEAR 1982



U. S. Department of Justice
Federal Bureau of Investigation



Number Of Fingerprint Cards On File



ESTIMATED NUMBER OF PERSONS REPRESENTED:

For the 80,738,860 prints in the criminal file..... 21,511,713
For the remaining prints totaling 96,413,155 all of which are in the civil file..... 45,547,922

TOTAL ESTIMATED PERSONS REPRESENTED 67,059,635*

* WITHOUT ACCOUNTING FOR PERSONS DUPLICATED IN BOTH FILES.

Exhibit No. 46

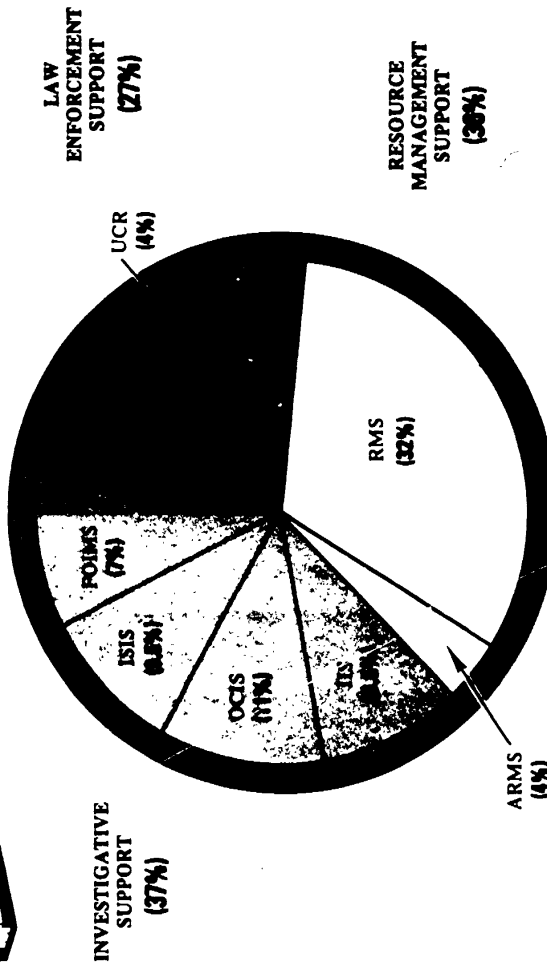
AUTOMATIC DATA PROCESSING AND TELECOMMUNICATIONS PROGRAM (ADPT)

The ADPT program provides the FBI with information collection, storage, retrieval, and dissemination capabilities through the use of automatic data processing, telecommunications, and word-processing resources. The FBI has followed a policy of using ADPT resources to directly support investigative as well as administrative requirements wherever it would achieve greater efficiency. In addition to meeting its own vital mission-oriented information processing requirements, the FBI also dedicates a significant amount of its data processing resources to support certain related needs in the entire criminal justice community. The investigative, administrative, and law enforcement support systems are managed centrally to make the most efficient use of the FBI's computer resources.



U. S. Department of Justice
Federal Bureau of Investigation

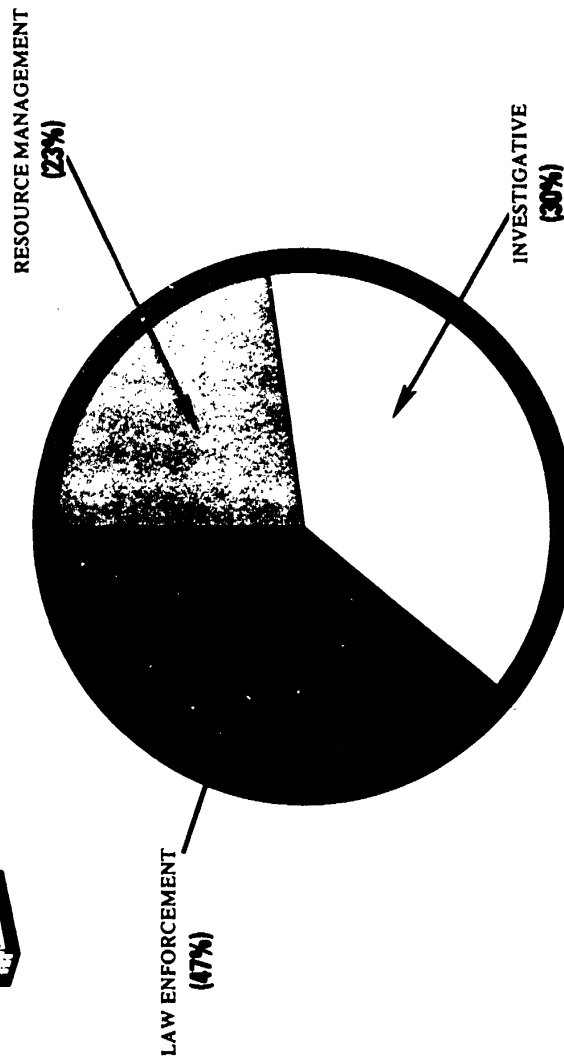
Professional ADP Personnel Utilization FY 1982 Annual Summary November 30, 1982





U. S. Department of Justice
Federal Bureau of Investigation

Computer Center Resources Distribution FY 1982 Annual Summary



CRIMINAL JUSTICE DATA AND STATISTICS SERVICES

THE FBI COMPILES AND PUBLISHES THE UNIFORM CRIME REPORT, WHICH PROVIDES THE INCIDENCE OF REPORTED CRIMES THROUGHOUT THE UNITED STATES AS SUBMITTED BY APPROXIMATELY 15,000 INDIVIDUAL AGENCIES. THE FBI ALSO MAINTAINS THE NATIONAL CRIME INFORMATION CENTER WHICH PROVIDES INFORMATION ON STOLEN PROPERTY, WANTED PERSONS, MISSING PERSONS, AND CRIMINAL HISTORIES TO CRIMINAL JUSTICE AGENCIES. TO CONTINUE THESE FUNCTIONS, \$7,250,000 AND 197 POSITIONS WILL BE REQUIRED. THE FOLLOWING EXHIBITS WILL FURTHER DESCRIBE THIS PROGRAM AS WELL AS DEPICT THE PERCENTAGE CHANGE OF CRIME IN THE UNITED STATES BETWEEN CALENDAR YEARS 1977 AND 1981:

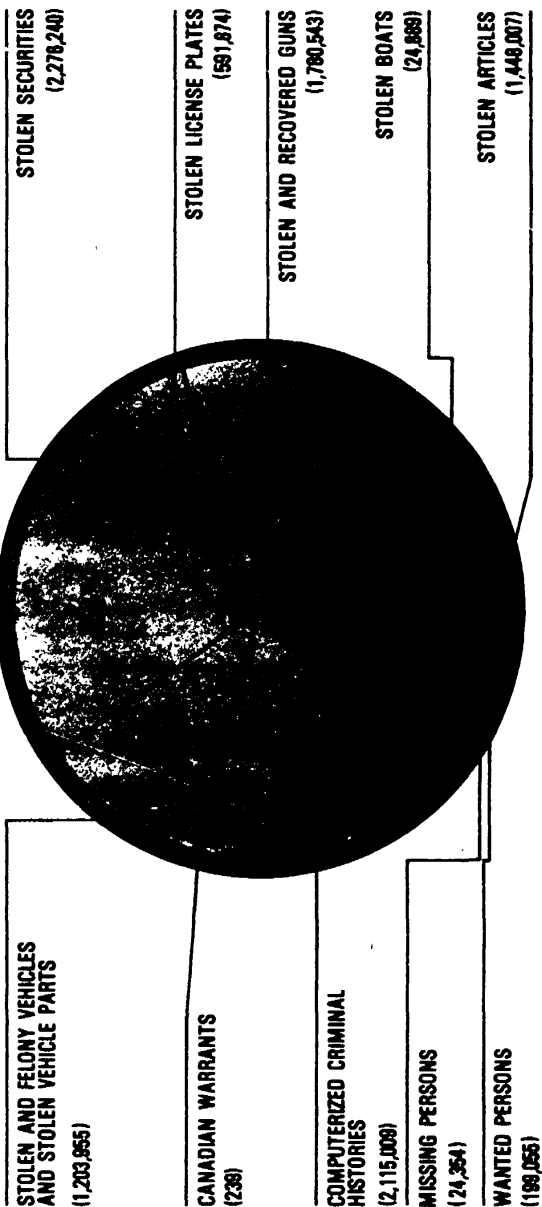
NATIONAL CRIME INFORMATION CENTER (NCIC)

The NCIC is a nationwide criminal justice information teleprocessing network which provides documented criminal justice information to the entire criminal justice community. NCIC contains records on stolen property, i.e., vehicles, license plates, guns, securities, boats, and serialized articles; wanted persons for whom arrest warrants are outstanding; criminal histories on persons arrested for serious offenses; and missing persons meeting specific entry criteria. An NCIC Advisory Policy Board, made up of Federal, state, and local criminal justice officials, furnishes advice to the FBI Director on policy matters concerning NCIC operations and thereby allows the users a voice in the overall management of the system. The users of NCIC, which include the criminal justice agencies in the 50 states, all Federal law enforcement agencies, the Royal Canadian Mounted Police, the Police of the Commonwealth of Puerto Rico, and the U.S. Virgin Islands, obtain these services on a non-reimbursable basis.



BREAKDOWN OF RECORDS IN NCIC COMPUTER

AS OF OCTOBER 1, 1982
TOTAL 9,664,165



UNIFORM CRIME REPORTING

The Uniform Crime Reporting Program was conceived and implemented by our Nation's law enforcement agencies in 1930. At its inception, two basic needs were recognized. First, it was believed the American people deserved an accounting of the extent and nature of criminal activity. Second, law enforcement leaders needed an administrative tool to better manage their departments.

On a monthly basis, this Program collects statistical data concerning the incidence of criminal acts from over 15,000 individual law enforcement agencies nationwide. Data collection is grouped according to certain basic types of offenses, namely, murder, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, and arson. These categories comprise the Crime Index. Additionally, statistical information on arrests, property loss, and other factors relevant to criminal activity is aggregated. Analyzed data are disseminated in various formats such as:

1. Semiannual releases on crime trends, law enforcement officers killed, and bombing incidents.
2. Annual publications of "Crime in the United States," "Law Enforcement Officers Assaulted and Killed," "Bomb Summary," and "Arson."
3. Periodic reports to the Attorney General on the incidence of parental kidnaping.

When first implemented, the Uniform Crime Reporting Program was used on a relatively limited basis. Now, however, this program is relied upon by many people and organizations from widely varying professions. Scholars depend upon this data to better understand the seriousness of crime and its effect on our society. Legislators rely upon it for direction in developing necessary legislation to more effectively combat crime. Administrators of the criminal justice community use the information to plan their activities so as to have the maximum impact on the criminal element.

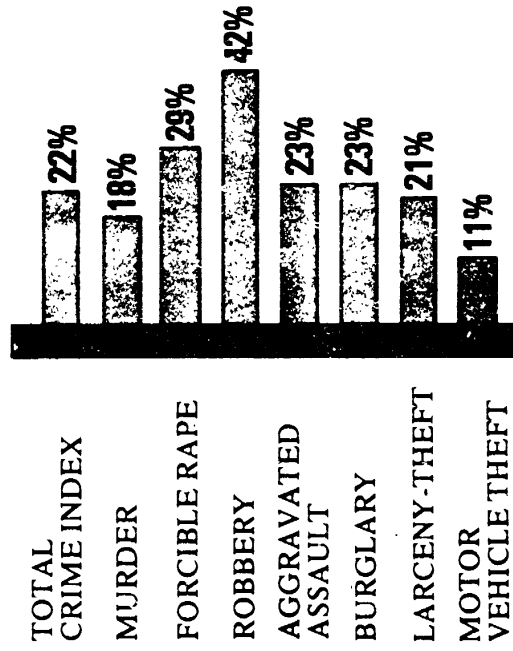
Substantial cooperative efforts at all levels of the law enforcement community are necessary in gathering the data upon which the Uniform Crime Reporting Program depends. The benefits derived from the program are indeed significant and have resulted in an increased understanding of the crime problem which confronts the citizenry of this country.



U. S. Department of Justice
Federal Bureau of Investigation



Crime In The United States Percent Change Calendar Years 1977 Versus 1981



**U.S. Department of Justice****Federal Bureau of Investigation**

*Washington, D.C. 20535***THOMAS A. HUGHES**

Mr. Hughes was born on May 30, 1943, in New York City, and received his early education in Chicago, Illinois. He attended Quincy College, Quincy, Illinois, and was awarded a Bachelor of Science degree in June, 1965. He received his Master of Business Administration degree from Bradley University, Peoria, Illinois, in 1966, and, he is a Certified Public Accountant licensed by the state of Pennsylvania.

Mr. Hughes entered on duty with the FBI as a Special Agent in August, 1966, and following a period of training was assigned to the Birmingham, Alabama, FBI Office. He subsequently served in the FBI's office in Pittsburgh, Pennsylvania, from January, 1968, to August, 1973, when he was transferred to the Washington, D.C., Office. In September, 1973, Mr. Hughes reported to FBI Headquarters, Washington, D.C., to assume supervisory duties in the Administrative Services Division. He later performed inspection duties in the Inspection Division from January, 1977, to July, 1977, when he was reassigned to supervisory duties in the Administrative Services Division.

Mr. Hughes was designated Assistant Special Agent in Charge of the Jacksonville, Florida, FBI Office in December, 1977. He returned to FBI Headquarters in May, 1980, to assume duties as Chief of the FBI's Budget and Accounting Section, Financial Management Branch of the Administrative Services Division. In May, 1982, Mr. Hughes was appointed Inspector-Deputy Assistant Director of the Administrative Services Division.

Mr. SMITH. Thank you, Mr. Director.

First I yield to Mr. Early, who has to leave.

Mr. EARLY. Thank you, Mr. Chairman. I appreciate that.

JUDGE WOOD ASSASSINATION CASE

Mr. Webster, I would just like to put on the record I want to congratulate you and the entire FBI for the performance with regard to the assassination of Judge Wood. I think this Committee has expressed to you and to the whole FBI that they don't see anything more important than protecting the lives and credibility of the judges of the United States, so I think it was a long, tough case. I am sure it was expensive, but I just want to congratulate you for concluding it.

I just hope we pursue that type of thing that vigorously in the future.

Mr. WEBSTER. Thank you very much, Congressman Early. We appreciate that.

BANK ROBBERY INVESTIGATIVE POLICY

Mr. EARLY. Judge Webster, on bank robberies, a few years ago you came before this Committee and suggested that we take that responsibility from the FBI and give it back to the states. Yesterday, Mr. Carlson was in with a set of charts which showed a tremendous rise in the number of prisoners convicted as bank robbers. Did we do the right thing?

Mr. WEBSTER. We did not attempt to give up the bank robbery jurisdiction. What we attempted to do was to strike a proper balance on a case-by-case, city-by-city, community-by-community basis with State and local law enforcement. In many parts of the country the municipal law enforcement capability in bank robbery is equal to that of the FBI. For that reason, and because, as you know, our resources until this year have been declining, 800 agents lost since 1976 due to the inflationary process and budgetary constraints, we had to find a way not to duplicate local activity.

I could give you an example that I think probably sets the tone in the Bureau. Our instructions are to respond to every bank robbery, but we don't respond by sending all agents in the office out. We send a sufficient response to deal with the known nature of the activity. We will have a different response for someone who wanders into a storefront-type branch facility in New York, takes \$4,000 and drops down into a subway than we would for an armed attack upon a banking institution which resulted in injury or danger to others.

Now, those are extremes but I use those to illustrate that the responses will be different. In New York we encountered a significant rise in bank robbery. As a result of that, we formed a joint task force with the municipal police department in New York City. Bank robbery detectives moved into the FBI facilities and operated on a joint team basis with FBI bank robbery squads.

We later took the technique and expanded that to include terrorist activities, and we found an interesting correlation between bank robbery and terrorist activity in the Brink's robbery case, where violence-prone individuals were using bank robbery as a means of

raising money. So this technique has been very useful and it has been observed and incorporated in varying degrees by other field offices throughout the country.

Bank robbery itself is following the pattern of general crimes; that is, in the last two years the crime index has held about the same, and there was a slight decrease in the last fiscal counting. We maintain that posture. We respond to all bank robberies. We maintain a high level of bank robbery capability. In those cities where municipal bank robbery squads are capable and desirous of handling it, and in those districts in which the United States Attorney is willing to prosecute Federal bank robbery cases, and that is most of them today, the FBI is very much involved.

We simply don't want to go at it with a "throw the money against the wall" attitude when we have so many other responsibilities.

Mr. EARLY. Judge, what is interesting about your response is that last year when you came before this Committee defending the Administration, as the Attorney General defended all of the cuts in the Justice budget, this Committee did not believe that we were going in the right direction. And when both you and the Attorney General commented about the deficit and fiscal policies, we suggested putting the money where the problem is. This year's budget would at least put money in Justice, regardless of the deficit or financial situation, and I think that is an improvement. I think that is the way we should make decisions.

LEGAL ATTACHES

This Committee also had tremendous reservations about terrorism. The Administration cut the number of legal attaches, but this Committee restored them. I think it was a good decision, and I think you confirmed that in your testimony.

I see from your justification that you still have only 69 legal attache positions. In your opinion, is this number adequate to address the problem?

Mr. WEBSTER. Congressman Early, are you asking if the 69 positions should be increased?

Mr. EARLY. You are requesting the same number of legal attache positions as you had last year, and those particular positions were ones restored by this Committee.

Mr. WEBSTER. We are very grateful for that support. I have some figures in case you might want any particulars about them. I have been following the positions. We have increased, for instance, in relation to terrorism, the number of legal attaches in Rome, with the approval and support of the American ambassador and of the Italian Government. We have four now in Bonn, which represents a substantial commitment in that area.

In other words, I think we are still thin in South America and Central America. To answer candidly, these fellows have a lot of road to cover, big road trips. We did make an important move by opening an office in Canberra, Australia, where there is a good deal of our activity. This is not terrorism but there are important law enforcement responsibilities downthere. Previously all of Australia and New Zealand were serviced out of the Philippines.

Mr. EARLY. I think they could give us a lot of information.

Mr. WEBSTER. It is crucial to effective law enforcement throughout the free world that we have ongoing relationships of trust and confidence. We do not conduct investigations abroad, and sometimes we have to go through the numbers on our position on that, on such matters as, for example, El Salvador, where there is a lot of interest, concern and sympathy for families of victims in El Salvador.

We provide a great deal of support mechanisms down there, polygraphs, forensic science, ballistics, laboratory, and we have reviewed all their investigative efforts, but we don't have the authority or the personnel to run investigations. But where these people are placed, as you pointed out again and again, they have been extraordinarily useful in making sure that the local law enforcement people support our law enforcement effort. We have subjects who are fugitives over there as well as others of interest to us for running drugs and being involved in other related organized crime activity. It is very important that we be on board with our counterparts in other parts of the world. This is a small group of good agents doing very important work.

Mr. EARLY. Your Honor, I have several questions on terrorism which I am sure will be asked by other Members, so I am going to skip them.

Thank you very much, Mr. Chairman, for letting me go out of turn.

ROLE OF LEGAL ATTACHES IN DRUG ENFORCEMENT

Mr. SMITH. You mentioned to Mr. Early about additional legal attaches in Rome, and that is one of the places, of course, we are trying to make a greater effort to intercept transshipments of narcotics. Did this have something to do with that?

Mr. WEBSTER. Yes, it did. The additional agent is there specifically to work on organized crime matters, especially trafficking of drugs and narcotics between Rome, Italy, and the United States. As a matter of fact, one of the most recent developments that is being put in place, at the present time, is a computer terminal in Rome which is connected to our organized crime information data base. This will permit even faster, more effective liaison. This is our computer terminal. We are not turning it over to the Italian police; it is for our own use. This type of relationship has already resulted in about 80 convictions in Italy, resulting from relationships between the United States and Italy on organized crime efforts.

Mr. SMITH. Have the additional efforts on drug enforcement at foreign posts affected the other work that the legal attaches have?

Mr. WEBSTER. No, Mr. Chairman, and I think I should point out that the Drug Enforcement Administration carries the main load abroad on drugs, but we are involved in it from the point of view of organized crime, organized criminal enterprises from the United States or from Sicily, who are dealing in drugs. It is a narrower role, and it has not impeded the effectiveness of the legats in other areas, because while we are increasing our effectiveness in drugs, DEA is still carrying the major load abroad.

FBI/DEA COOPERATION

Mr. SMITH. How has the new approach with the DEA under the FBI worked out in the last year or two?

Mr. WEBSTER. We are pleased with every aspect of it. A lot of thought went into how we would structure it to begin with, and I reported to you on our plans this time last year. In the year that this arrangement has been in place, the FBI has developed 1,100 significant investigations—when I say significant we are not just talking about street busts, we are talking about organized crime in drugs, financial crime in drugs, and public corruption in drugs. Of those 1,100 investigations, 300 are being operated as a joint effort with the Drug Enforcement Administration.

This ability to cooperate and to work closely together I suppose was always there, but it had never been utilized, primarily because we didn't have concurrent jurisdiction in the drug statutes. However, in structuring the relationships, the reporting systems, who does what, how we do things together, when we do things together, and how any contentions or disputes are resolved, they were all thought out about this time last year and announced to all of our field commanders at the annual SAC conference, at which for the first time the Drug Enforcement chiefs and the FBI field commanders met together.

We will be meeting again together, starting on Sunday evening, for four days next week, doing the same thing, and focusing on our experiences of the past year, and on the impact of the new Drug Task Forces which were announced by the President, and which are now being put in place in the 12 additional regions around the country.

I am very pleased with the progress. There is a lot of work out there, and there is a lot more to be done, but I think the fact that we were able to make this alliance without down time or loss of morale or break-up of momentum has made all the difference in our prospects for early and significant successes.

This effort is not focused on individual street purchases or users, but rather on criminal enterprises, the groups that are having the heaviest impact on our society, and I am sure that you encountered many occasions of cartels and other drug apparatus in your inspection trip, and this is what we are focusing on.

SEIZURES AND FORFEITURES

Mr. SMITH. We discussed for a couple of years the importance of seizure and forfeiture of property. In this regard, not only does it have some effect upon deterring the use of property by those that aren't directly involved, but also it recovers some money for the United States Government. Do you have enough authority in this regard? Are you doing enough?

Mr. WEBSTER. We do have the authority to seize. We don't see that as the primary FBI mission, because in outlining the work as I have described, we think we can best bring our expertise to bear in the accounting crimes, the financial crimes, organized crime, and in the public corruption cases. We do assist and provide intelligence for interdiction and seizure efforts, and I do have authority now for the FBI to conduct seizures and forfeitures.

This is one of the areas that we are still training for, and in the meantime DEA has been handling and processing those things which are seized by the FBI in the course of its investigations, that is, handling the actual forfeiture procedures which are involved and require some special expertise. I think by August of this year the FBI will be in a position to assume responsibility for everything that it seizes in the course of its investigations.

In addition to that, and while it is preliminary and I don't mean to make any announcements, I think the administration is currently working on some additional programs specifically in the interdiction effort, which will involve primarily the efforts of Customs, DEA, the Coast Guard, and the military. A key to what is seized is to try to reduce source supply abroad, and then to have a more effective border interdiction program to identify illegal planes and ships, and to have the facilities to seize them when they hit ground. That has not been a winning battle in the past, and more needs to be done in that area, but the responsibility for that seems to fall more logically with those agencies I have just named.

Mr. SMITH. Of course, when buildings are being used as a transfer point, and the owner of the building has some reason to believe that it might be used that way, even though he is getting his good rent, if you seize the building it has an effect on the number who want to do it.

Mr. WEBSTER. It certainly does. We have seen this in all of the forfeiture statutes that the Congress has passed that we have been able to use. The Racketeer Influenced and Corrupt Organizations Statute, the RICO statute, has its greatest impact in that area. There are, as you know, additional forfeiture provisions in the drug statutes, and we have been trying to take advantage of those, to really make it sting, to do more than sting, make it hurt for anyone who wants to play around on the periphery of a drug enterprise.

Mr. SMITH. Last year your authority for undercover operations expired temporarily. We extended it in the Continuing Resolution in December, but did that cause any problems?

AUTHORIZATION LEGISLATION

Mr. WEBSTER. Yes, it did, and I regret to say that by tying the undercover authorities to the Continuing Resolution, we go out of business every time the resolution expires, and we operate under Attorneys' General opinions that give us authority to engage in these things, but their opinions say that when that authority given by Congress dies, our ability to continue and to initiate new operations is wrapped up.

It is more than just an embarrassment or causing us to lose opportunities. We are concerned that actual lives can be jeopardized by dealings where the other people become suspicious, because of things we can no longer do. We can't put more than \$100,000 in a bank account. We are running around putting them in multiple bank accounts, and our ability to make money and show we are in business and ready to deal with them is apt to cause them to become suspicious of us.

Mr. SMITH. Of course this Subcommittee doesn't like being an authorizing committee either, but we are forced to do it when the authorizing legislation hasn't been passed.

Mr. WEBSTER. We are grateful for any help we can get. I realize that. We have asked for permanent legislation in this area, the Department of Justice has requested it, and I hope that we can have it, because there isn't any argument that I am aware of, no opposition to our being able to conduct these investigations in this way.

Mr. SMITH. The problem is annual authorizations. All it does is result in problems. The authorization for this budget we are talking about should have been completed no later than last October. They are behind their timetables. What about the authorizing legislation, can you tell us anything about it?

Mr. WEBSTER. Well, I know that we have sought it and we are seeking it again. I hope some day it can be in the form of permanent legislation, that it doesn't have to be debated. It is the same thing each year. We had a young man brutally beaten a few months ago. He was on his way to being executed when he escaped from a cab of a truck. At 50 miles an hour, he dove into the woods and managed to escape. The drug dealers with whom he was dealing on an undercover basis became suspicious of the middleman, the fellow that he was working with, who also was a crook and didn't know he was dealing with the FBI. The drug dealers consequently became suspicious of this agent.

They stuck a gun in his nose, ripped out his nostril, beat him brutally. He is back in business again, I am happy to report, but this is the kind of life-threatening situation that can happen whenever the people under investigation become suspicious of the way in which our people are dealing with them. When we have to stop doing things that we ought to be doing, and no one argues we shouldn't be doing them, because of a failure of an Authorization Resolution, we have a serious problem that is more than just dollars and cents—it is human lives.

Mr. SMITH. I have more questions but I will let the other Members go first. Mr. Dwyer.

FIELD OFFICE INFORMATION MANAGEMENT SYSTEM

Mr. DWYER. Judge Webster, in your statement on the FOIMS system, you mentioned that it would be able to, almost on an instantaneous basis, note whether a subject was under prior investigation. What else would that system do?

Mr. WEBSTER. That is an investigative capability. We have management systems that are incorporated in the FOIMS system, the process of keeping records, entering records and retrieving records. If I can give you one example that wasn't really mentioned in my statement, but it has always been one of those things that I have felt needed drastic attention, we have about 430 resident agencies that are satellite offices which report to 59 field offices. Many of those offices are staffed by two or three people, sometimes by 20 or 30, depending on the size of the satellite city.

In the smaller offices we are reduced in terms of recordkeeping. Information is furnished to field offices by calling in and dictating over the telephone, and then maybe waiting for a week to get the

material back. We can't keep the records in the satellite offices. It is several generations back from what we ought to be doing in effective investigative reporting. FOIMS would permit access to the records on a fast and instantaneous basis, where the files could be reviewed electronically, new information could be put in. Management systems could be virtually on-line. You know we are on a line item budget basis, and we want to be sure that we are spending the public's money the way the Congress told us to spend it for various things, so we control that.

FOIMS integrates our other major systems: the Organized Crime Information System; the ISIS system, which is our computer capability for big cases like the Judge John Wood murder case, where we had about 220,000 transactions in the computer in that case; and the Intelligence Information System, which is a discrete system for foreign counterintelligence that is becoming increasingly useful in identifying hostile intelligence activities in the United States. Those are the major ones.

In addition, I have mentioned, of course, the access to our computer systems here, the computerization of fingerprint identification at headquarters. The Laboratory Division operates some computer systems.

It is important to remember how perishable information can be, and the importance of getting it quickly into the mix.

HOSTAGE RESCUE TEAM

Mr. DWYER. You mentioned a recently formed Hostage Rescue Team. Has the FBI not had a hostage rescue team?

Mr. WEBSTER. Yes, sir, we have had hostage rescue teams, but we call them SWAT teams. They were primarily designed, in their original configuration, to deal with dangerous fugitives and they were taught special weapons and tactics. We then used them for hostage rescue situations. They ran between five and seven agents in a field office, and larger offices had somewhat larger teams. We have maintained those local teams in a state of trained readiness to deal with minor situations, most airplane hijacking situations, a small building, or someone in a bank holding hostages.

We have trained hostage negotiators to deal with the hostage situation, and the SWAT teams support that activity in the event it fails, or in the event that there is an opportunity to take out the hostage-taker.

What we have not succeeded in doing is developing a capability which could, in a short time frame, deal with a major hostage situation, such as the city of Washington had in the Hanafi case several years ago. For a long time I was convinced, largely because of budgetary constraints, that we could fall back on the military, which has, under its Joint Special Operations Command (JSOC) a swift response capability on 24-hour readiness.

We have trained with JSOC components, exchanged information, and have analyzed our respective missions. We came to the conclusion that their mission is really different to a significant degree. Their mission is to take out a situation. They are trained for activity abroad. They are trained to fly into a country, friendly or hostile, and resolve a situation involving U.S. citizens. That means

that the end goal is to reduce the situation with as little loss of life as possible, but not with the same approach that we think is appropriate in the United States, where United States citizens may be involved as hostages.

Therefore, after a lot of consideration, we decided that the way to go was to develop in this area, where the potential for hostage taking is believed to be the greatest, with all the diplomatic establishments here, a capability to deal with that problem on a hostage rescue basis rather than an armed assault take-out type role. So we have configured a Hostage Rescue Team of approximately 40 agents who will be in a state of trained readiness, but who will be working half their time on regular investigative work, so that they do not lose their identity as FBI Agents, their discipline as FBI Agents, or consider themselves above or out of the reach of legal requirements in the United States.

This team will be available to supplement or assist the SWAT teams in any other part of the United States, and we intend to use the team in connection with the Olympics in 1984 in Los Angeles. That generally is the approach.

It is an augmented capability in one place, but we would use it only as required.

Mr. DWYER. Is the thrust of this Hostage Rescue Team to try and end the situation by negotiation? Is that the main thrust of this?

Mr. WEBSTER. Our main thrust is to resolve it without loss of life, and we call it a hostage-rescue approach. In fact, the motto of the new team is "to save life." We put that emphasis in all of our training.

Mr. DWYER. But in the event of a very rapid deterioration——

Mr. WEBSTER. We can handle it.

Mr. DWYER. Will they be able to act?

Mr. WEBSTER. They will be able to act and will act, and if there is any situation beyond their capability, we can fall back on the JSOC, and we train with them so that they know and we know when that handoff would occur. We would hope this capability would eliminate, for all foreseeable reasons, any kind of situation in the United States that might require a JSOC activity.

1984 OLYMPICS

Mr. DWYER. You mentioned the forthcoming Olympic Games in Los Angeles.

Mr. WEBSTER. Yes, sir.

Mr. DWYER. Obviously you are doing some extensive preparations for that?

Mr. WEBSTER. Yes.

Mr. DWYER. Would you care to comment on that?

Mr. WEBSTER. We have been working on that for over four years, and I have met with Peter Uberroth, the chairman, on a number of occasions. We have spoken on the telephone on others. The Chairman of the Security Committee, the Chief of Security for the Olympics, is a former field commander of the FBI.

We are doing substantially what we did in preparation for the Pan American Games in San Juan and the Lake Placid Olympic Games, the Winter Olympics, by training, meeting with state and

local law enforcement officials, dividing up responsibilities and understanding the configuration of the Olympics itself. It is a tough one. It is 134 square miles of athletic contest sites.

Just before Christmas I flew over the entire site, an inspection in a helicopter, and it took about an hour and a half just to fly around the various places, and to see how they propose to move assistance groups in place in any given situation. The FBI will have the lead Federal role in any terrorist incident, and I stress Federal role, because the Los Angeles police force and the Los Angeles Sheriff's Department are both quality, class operations, and we will work very well with them in dividing up the appropriate responsibility and response out there.

The command centers have been established. Secure communication facilities have been put in place. I mentioned in my opening statement that Los Angeles was the beneficiary of the first funds appropriated for voice privacy, so that our radios and communication systems will be secure by the time the Olympics take place, and that is crucially important.

COMMUNICATIONS PRIVACY

We have stressed this from time to time, and we have had very sympathetic ears, but it is very pleasing now to have convinced OMB of our need for privacy. I can't tell you how many times we have had kidnaping drop-site situations interrupted by media people getting there first, flying over the site, because they have been listening to our every communication.

About two months ago a fugitive bank robber was shot to death in Denver in a confrontation with the FBI. He was found to be carrying a portable scanner plugged into the two police channels in the Denver area, so this is the type of competition that we have. We have organized crime listening in. We have individual bank robbers listening in, and we have the press listening in, and we just can't function that way. So we will be ready in Los Angeles, and these additional funds are getting us ready in other parts of the country.

Mr. DWYER. If he was plugged in, how did he manage to get himself shot?

Mr. WEBSTER. He didn't count on that.

Mr. DWYER. I was going to ask a question about the voice privacy. Given the state-of-the-art and how quickly it extrapolates, when do you think the privacy system will break down, or when can you anticipate it breaking down?

Mr. WEBSTER. I have Mr. Bayse here, who is our expert on state-of-the-art communications technology. I think the digital systems offer us the greatest opportunity for security. As far as I know, it can be broken down but not in time to do any good.

Mr. BAYSE. That is correct. We are using the National Bureau of Standards, data encryption standard. The work factor, computer work factor for one encryption key which we will change periodically is \$25 million worth of computer time. We are spending a lot of time in Los Angeles right now just to protect the integrity of managing the encryption key and the protective system itself, and

we think it is virtually unbreakable against what the Director has just pointed out.

Mr. DWYER. It will probably be broken by some counter-intelligence agent.

Mr. BAYSE. We would stop short of using it for the highest level intelligence agencies, yes.

Mr. DWYER. Thank you, Mr. Chairman.

Mr. SMITH. Mr. Carr.

FBI ACTIVITIES IN MICHIGAN

Mr. CARR. Thank you, Mr. Chairman.

Judge, this is my first time on the Committee and I have got a lot to learn about your operation, if I am to be helpful to you. Who is your head of congressional relations here? I would hope that maybe he could stop by someday. I won't take up the Committee's valuable time with my lack of education here today, but I would like to know more about the FBI and what you are doing, the programs that you have got underway, and how I can be helpful.

I might indicate to you a couple of things that I would like to receive perhaps in my office, again not to take up the time today. I am from Michigan, as you know, and I am interested in what kind of FBI activities we have going on in Michigan, where the offices are, and how many people we have got—a little bean counting. I might even want to pay a visit to some of those offices, and maybe you could direct that the local people there give me a little briefing on what is happening.

Mr. WEBSTER. We would be happy to do that, and we would be happy to welcome you as well as any other Members of the Committee to Headquarters. We have some things to show you down there I think you would be interested in.

Mr. CARR. I would like to do that, I really would.

A couple of things I might flag to you of particular interest of mine. I guess computer crime is something that I am kind of fascinated with, and maybe you could have a few words to say about that.

I am also interested in the drug-related area, but you have talked about that enough and I won't take up the Committee's time on that one.

CIVIL RIGHTS MATTER

One that is specific, Judge, is a recent event, and it touches me only because some of the individuals involved are from my home State and my city of Pontiac. There is a recent thing going on in Montgomery, Alabama, where some local police officers were beaten, and there is some confusion about whether there are civil rights violations going on. I am wondering if you know whether the FBI is investigating that particular case from the standpoint of civil rights.

Mr. WEBSTER. You said the police officers were beaten?

Mr. CARR. As I understand it, and my purpose here isn't really to defend anybody but to get information. Apparently some Montgomery police officers were beaten by 26 blacks gathered in a home. The 26 blacks were from Ohio and Michigan. They were in Ala-

bama for the purpose of attending a funeral of a relative. There seems to be a great deal of confusion over whether the police officers identified themselves before coming in, and whether they didn't violate their own good law practices. And then there apparently were some allegations about how the people who were taken into custody were treated. It is sort of a messy situation, but I just wondered inasmuch as there are civil rights implications here, whether the FBI at the present time was doing anything in that particular case.

Mr. WEBSTER. I can't answer that because I am just not familiar with that particular incident. I am normally informed when we have a major civil rights incident, and in fact I have participated in sending FBI Agents in to conduct civil rights investigations when there have been other instances of this kind.

Mr. CARR. I thought you might, because this particular case has been on the front page of certainly our major newspapers in Michigan, but also The New York Times and I believe The Washington Post has covered something on it. I am not asking you to get involved. I guess I am just asking you if you are, because I had heard that you were.

Mr. WEBSTER. I can tell you as a rule of thumb, which may answer the question. We will certainly find out for you. Whenever we receive a complaint about a civil rights violation, we will conduct a preliminary inquiry and report it immediately to the Department of Justice for further instructions.

We don't wait for someone to call us on the phone in all situations. If someone is reported in the newspaper to have complained that his civil rights were violated, and that newspaper comes to our attention, we will conduct a preliminary inquiry on the basis of the newspaper report of someone's complaining, so it is very likely that a preliminary inquiry has been conducted.

Mr. CARR. I just asked that because I am getting calls from my district asking if the Justice Department and the FBI are doing anything, and I don't know what to tell them.

Mr. WEBSTER. I will be glad to find out and advise you whether a preliminary inquiry has been conducted. After that it goes to the Justice Department, and the Justice Department has to decide what the next move is.

COMPUTER CRIME

Mr. CARR. Maybe you could say a word about computer crime. I just threw two things in on you at once.

Mr. WEBSTER. Computer crime falls generally within the white-collar crime program of the Bureau, which has been a very important program in terms of its impact on our country. The computer is used primarily in fraud cases, in the fraudulent electronic transfer of funds, and we have been training our agents at the FBI Academy to deal with this type of crime. We have a computer down there. That is another place I would like for you to visit.

Mr. CARR. I would very much like to.

Mr. WEBSTER. We have been successful in identifying that type of activity. You may have read recently of a former employee of the Federal Research Board who went to work for one of the New York

brokerage houses, and then kept the code and keyed in to get data that would be very important in making investment decisions. With the help of the Federal Reserve Board we were able to track that case, identify him, obtain his admission, and he has been prosecuted for that offense.

Sometimes we have found cases even before the banks were aware of the losses. There is so much money being transferred electronically today in such large amounts that it is easier than one would think to cover that activity for a sustained period of time until you can disappear or cover your tracks. We had one a few years ago. It is not new. Some of the other Members of the Committee may remember the Rifkin case on the West Coast where about \$11 million in money was transferred, converted to diamonds abroad, and brought back to this country. This will be an increasing challenge to businessmen who put their data bases into computer tapes rather than ledgers and do not build defensive systems within their companies. We, of course, encourage that to take place. Our primary responsibility is to be able to find it when something goes wrong, and to be able to conduct an investigation and produce evidence that results in successful prosecution and trial in these cases. It is a big problem and a growing one.

Mr. CARR. I would also think the FBI together with perhaps some of the major computer manufacturers are in a good position to advise people. I know that small businesses in my own area frequently ask me where can they go to get some advice, and this goes beyond the elementary passwording of things that most computers have, to protect themselves. And while it may not be strictly speaking an investigative function, but perhaps the FBI could be doing some things of a public relations nature, so that computer owners or people who are worried about this can get some access to FBI advice and counsel on how to prevent—and certainly if that takes more money and a few more people, I would be there willing to increase your appropriations here a little bit for you.

THE FBI AND MEMBERS OF CONGRESS

I guess the last thing I wanted to talk to you on the record about is about the FBI and its relationships with the Members of Congress.

Do you have an office that Members of Congress can call and say, "Look, this sort of fellow has come by, I just have sort of an intuitive feeling about this person. Can you give me a lead as to whether I ought to be careful?" Do you have a place where we can go and ask those questions?

Mr. WEBSTER. We have never designated a place. Perhaps we should. The Washington Field Office is the logical place, because it serves an investigative function here in the Washington area. But we would be happy to have you call Mr. Haynes because you will know him, or to call me if you are concerned, and I will see that it gets to the proper place. We have encouraged Members of Congress who think that there is something unusual or onerous about a proposition or contact that has come to them to let us know about it.

This was one of the disappointing things in the Abscam case. In none of those situations did anybody let us know that there was something that they thought we should be looking into, and since the Abscam cases we have been encouraged by the number of instances in which Congressmen have called this kind of influence peddling to our attention, and we have been very appreciative of that.

On the counterintelligence side, which is perhaps an area of even greater vulnerability, because it is so subtle, we have encouraged you to let us know of any contacts with hostile intelligence groups or people who might be involved with hostile intelligence gathering, and we are making a point of letting you know when we know that somebody has come to see you in whom we have a counterintelligence interest.

In addition to that, we have been offering briefings to Members of Congress—it's called "A Walk Through Washington"—in which we will show you the kinds of intelligence activity taking place right here in Washington by the intelligence apparatus.

Mr. CARR. I guess, just a reflection, my worry isn't really quite so much the Washington area. I am more worried, frankly, about my own local area. I use to be a member of the State Attorney General's office, and I guess that Vince Piersanti out there is our state-side organized crime person. He is a fine fellow, but it raised a lot of suspicions to me, and I know there are a number of people, for example, we come into contact with every day.

There is a fellow out in my local area who is a very friendly fellow. I certainly know of nothing about him that would lead me to believe that I should stay away from him. He is, so far as I know, an honest businessman, but then, after having had several friendly encounters with him, I learned through some of my friends in Lansing that I ought to watch out for the guy. It puts me in a difficult position. I want to do the right thing, and yet I don't want to start treating every widow and orphan who walks into my doors as a common crook. We just can't do business that way, and so I wonder if from time to time—and sometimes I won't even be tipped off. I mean, how do you know? It's a difficult situation.

Mr. WEBSTER. It presents a tough problem for you and it presents a tough problem for us, because I think we could be criticized if we were to be spreading derogatory information about people.

Mr. CARR. Oh, sure.

Mr. WEBSTER. I think all of us realize that there are corrupt influence peddlers who will use their legitimate association with you, for corrupt purposes, to suggest that they have you in their pocket or that they can do something, and in many cases you would not even know about it. They would be collecting cash on promises to do something through their friend, Congressman so-and-so, and you wouldn't know a thing about it, but yet your name was dragged into it.

Mr. CARR. And that would trigger a special prosecutor thing?

Mr. WEBSTER. I don't know about a special prosecutor, but it could trigger an investigation.

Mr. CARR. You know there are a number of times too, again around here I think in Washington people generally know the rules of the game, but there are people at the local level who don't

know the U.S. Code. They don't know the rules of the House, the ethics problem. They are terribly naive, and they will walk in and they will ask you to solve a Social Security problem, and then they will want to pay you for it. You politely decline but good public relations says that you don't immediately stand up and accuse this person of making a felonious suggestion to you. And yet to some extent Abscam suggests that maybe you should.

I am getting a little absurd, I understand, with that, but the point is that we have to make judgments, and you can't always—as I understand Senator Pressler did—you can't always know when to offend somebody and when they may have made an inappropriate suggestion to you. But you say if we called you up and had a question, you could give us a pointer or two?

Mr. WEBSTER. We would undertake to do whatever we could properly do in the circumstances. With reference to the question that you asked a few minutes ago, I am now informed—we have checked—that there is an ongoing investigation in the Montgomery case.

Mr. CARR. Then I know what to say. Is that now preliminary, prior to Justice approval, or has the Justice Department then come and said go ahead and do some more?

Mr. WEBSTER. We are still in the preliminary stages. Within 21 days a report will go the Justice Department. I can't tell you whether those 21 days are beginning or about to expire because I don't know when it took place.

Mr. CARR. Thank you, Mr. Chairman.

Mr. SMITH. On the other side of that, I was told that at least one Member of Congress in the Abscam case warned the FBI agents involved they ought to watch this fellow who was the intermediary. The warning went the other way.

Mr. Miller.

Mr. MILLER. Thank you, Mr. Chairman.

GENERAL LAW ENFORCEMENT TRAINING

Mr. MILLER. In one of my subcommittees on Appropriations we discussed the Glynco, Georgia, Law Enforcement Training Center. Apparently you have a number of people that are trained in that area, and they speak of State and local assistance, whereby they could train state and local people.

Are you able to get your people trained? It seems that we should have the Federal law enforcement people trained before we get into training the state and local law enforcement officers.

Mr. WEBSTER. Mr. Miller, of course our primary training facility is the FBI Academy at Quantico, Virginia, where we train all of our new agents, provide in-service training for agents in the field in specialized areas, and train about 1,000 command-level police officers each year at the National Academy.

The facility at Glynco is primarily a facility under the control of the Treasury Department, and has been the base of training for the Drug Enforcement Administration people.

We have trained over 300 FBI Agents in drug matters at Glynco, in order to gear up for our combined responsibilities which were given to us by the Attorney General a year ago.

Other than that, the FBI has no real training demands on the establishment at Glynco. The Drug Enforcement Administration relies on the facility entirely for its training. The most recent policy statements have contemplated its use to aid and supplement state and local law enforcement on, as I understand it, a reimbursable basis. We have been given assurances that those programs will not conflict with or duplicate the National Academy programs that are currently funded through FBI resources and maintained at the FBI Academy at Quantico.

The Glynco facility is designed to do both training of other agency units and to provide a kind of national institute or national center for state and local law enforcement; again as I said, not to duplicate what we are doing at Quantico, and to be on a reimbursable basis.

FEDERAL LAW ENFORCEMENT AT THE SUMMER OLYMPICS

Mr. MILLER. In another area, I heard you mention about the Summer Olympics. You have certain responsibilities there, but we heard yesterday from Immigration about Summer Olympics, and they have certain responsibilities, and we have heard in another Subcommittee from the Secret Service that they have certain responsibilities.

I am not sure, Customs apparently has some responsibility, but does somebody sit on top of this? I know that many of the organizations will be a little jealous of their turf, and we should have some one in control to be able to say this is the agency that is responsible, or maybe they would have to delegate it to a couple.

I am just wondering about all the dollars. I haven't totaled them up. I haven't had an opportunity to calculate all of them, but a lot of dollars will be spent on the Summer Olympics, for personal protection of people to stop crime, stop drugs from being used, and I haven't had an answer yet as to whether someone will sit on top and be in control.

Mr. WEBSTER. I was talking with Ed Meese about this last night. It is often difficult for people to understand. It is a logical and fair question, sort of a "who is in charge" question. When you deal with Federalism in law enforcement, you deal with law enforcement at various levels who are not specifically accountable to the next echelon. The police officers in Los Angeles and the Sheriff's office are not subordinate to the FBI or Immigration or any Federal agency, and so over the years we have developed a system of coordination and cooperation that has worked very well for us.

Law enforcement agencies understand this. Sometimes we do a very bad job of articulating it.

There has been an ongoing coordinating committee in Los Angeles at which representatives of all of the components, including the Federal components, have met on a regular basis. At the White House a committee nominally chaired by Mike Deaver and Ed Hickey have from time to time met to assess the progress of Federal agencies in coming into sync with each other.

We think our roles have been adequately defined. We think that the nature of a particular challenge calls for a particular agency to be the lead agency, which is slightly different than being a com-

mander in chief of task forces, but it comes very close to establishing who will be influencing the final decisions in areas that fall within their expertise.

Our area in the Federal system is terrorism, and we are clearly the lead agency, and will make the command decisions, but we will do that in cooperation and in coordination with the other law enforcement agencies. I can only assure you that we know how to do this, that we do it rather well, and that very rarely do things fall out of bed.

The command centers, communication systems, the people in place who form liaison links with the other agencies are all designated, and this thing is coming into place. I think given the scope of the challenge, the geographic reach, the thousands that are coming in, and the foreign visitors, that we are all coming into sync in a logical way.

We have a responsibility that goes beyond terrorism. We see a tremendous opportunity for hostile intelligence services to capitalize on the numbers of people on the West Coast at that time, to engage in very active intelligence gathering, and we are taking appropriate steps to deal with that.

UNDERGROUND ECONOMY

Mr. MILLER. Very good. We have also discussed the underground economy. I know that you and your organization must be concerned with it as well as many other organizations. The IRS is interested, the Secret Service is involved, forgery and the like, but your people are bound to be close to this. I do not know the solution, but one issue we need to consider is whether we should be making plans for the near future, because the paper money that we have right now is something that can be copied. I understand there are copiers at the present time that have the capability to duplicate those bills.

I don't know how deeply you may get involved with this. It ties in a little at least with organized crime. Because of the underground economy, the Federal Government is losing a lot of tax dollars.

Mr. WEBSTER. That is right.

Mr. MILLER. I would appreciate it if you could give us any information that might be helpful, including on this photocopying that we are talking about where we would have counterfeiting. It has even been suggested that we change the color of our money. It would be necessary for people to turn in the old money, and they would of course have credit for it, and get started again.

I don't know whether that is a solution which makes sense.

Mr. WEBSTER. I was in Korea when we did that in the military worldwide, and I remember it very well. I think the underground economy issue is a major one from the standpoint of tax revenue and loss of legitimate revenue from that type of activity, and also reflects the large amount of illicit activity that does go on in the United States.

We are not yet in the situation that confronted some of the weaker countries abroad, where this double bookkeeping or no bookkeeping became a way of life. I think that our Treasury De-

partment, in terms of the quality of the currency published, has managed to make it more difficult to counterfeit than perhaps in some other countries of the world.

We have not detected any interest of organized crime in this particular type of criminal activity, although there is also a concern that in any serious crunch in foreign relations that this might become a form of active measure by a foreign hostile country to debilitate currency.

If I could shift the focus for just a minute, I think I can perhaps better answer your question in this way.

The Congressional amendments in the Tax Reform Act last year or the year before materially increased our ability to get information from IRS which would in turn lead us to the people who were engaging in criminal enterprise, the organized crime groups.

As you know, prior to those amendments, the IRS could not furnish any information of any kind to us, even though they came across the information in the course of a tax investigation, and we had to find it on our own.

Sometimes we did, six or nine months later, at enormous expenditure of public funds for investigative purposes, and very costly delay. So, there is a vehicle for cooperation between those who are looking at the economic crimes, that is the improper use of money the offshore financial transactions, all the other techniques that have been developed; and those who are now in a position to apprise conventional law enforcement agencies, such as the FBI, of these activities so that we can put that into our computer to determine whether it provides us leads to the enterprises that are responsible for generating those currencies. That is a development of the last two years that I think will increase our effectiveness materially.

Mr. MILLER. Mr. Chairman, I have another question if I may.

Mr. SMITH. Please proceed.

MURDER CASES IN EL SALVADOR

Mr. MILLER. With regards to the FBI's activities in connection with the murder cases in El Salvador, including four American churchwomen, we had a statement yesterday before the Subcommittee on Foreign Operations, where the Lawyers Committee for International Human Rights testified. They spoke of the FBI and about the fact that they were unable to gain information that you had obtained in that case.

I do not know that I need to read the whole page here but I will if it will be helpful, if you have not heard about the statement.

Mr. WEBSTER. I haven't heard it but I have heard the complaint before. I think I probably know the problems.

Mr. MILLER. They stated that you have some 600 pages of information which are relevant to this case, but that they are unable to gain access to that information. I guess what I am after is: if not, why not?

Mr. WEBSTER. Of course, I haven't seen the report. I think I know what it says. Earlier in this hearing this morning I outlined what a legal attache can do abroad in jurisdictional terms. We are not au-

thorized to conduct investigations abroad. It is nice to have someone say send in the FBI, but we simply cannot do that.

In the cases in El Salvador, we did, and the State Department has recognized this. We made the extra effort to provide support mechanisms for the law enforcement effort in El Salvador, the Government of El Salvador's own efforts. Quite a bit of forensic material was brought back to the United States, analyzed in our laboratories, and produced significant identifiers both in terms of bullet fragments, calibrations of weapons, and identification of persons associated with those weapons.

In addition to that, we conducted a number of polygraph examinations the request of the Government of El Salvador on suspects in connection with the shootings down there. Their rules are quite different than ours in terms of prosecution of cases.

I haven't seen the full report, but I gather that the Appeals Court has recently, in El Salvador, returned the cases to the trial judge saying he doesn't have enough evidence to proceed with the trial, and asking for more evidence.

Now, whether we can be of assistance in that area depends upon the nature of the assistance requested, but it is also their rule that in polygraph cases, you may use the polygraph, in ways that are not permitted in the United States, but any form of publicity may result in the dismissal of the trial.

That is one of the reasons why it is not possible for us to make our investigative effort available to any public groups or people seeking information about it, because it would very likely be the end of the trials down there. It is another out, that we don't want to be responsible for providing to those who do not wish to see these cases come to trial.

We have provided that information to the State Department, and we have done this, all of this, as a public service, but there are good and substantial reasons why we cannot make this information available to anyone who asks for it.

Mr. MILLER. The families are interested, as all of us would be.

Mr. WEBSTER. Of course they are.

Mr. MILLER. If there is any help that you can give them, it would be appreciated. The remarks at the Foreign Operations Subcommittee of Appropriations yesterday stated just in part, "For two years the FBI has refused to make this information available to the families despite both formal and informal requests. In a Freedom of Information Act lawsuit filed in New York by the Lawyers Committee the FBI has acknowledged that as of March 1982 it has 180 documents comprising approximately 600 pages which are relevant to this case. None of these documents have been made available to families, and FBI lawyers continue to resist giving the families access to anything."

Maybe there is something in there that would not be that directly harmful to the case that could be turned over to the families; a little bit of information sometimes is very helpful.

Mr. WEBSTER. I will be glad to look into it. I have been anxious to let them have what they could have, but we don't want to prejudice the prosecutive efforts down there. That is what it is all about. We have seen very clear signs that any type of publicity of this

kind, or releasing of this information, may result in the dismissal of those cases.

Mr. MILLER. I am aware of the point you are making, and I still wonder whether in all of the documents that you have perhaps there is some bit of information that would be helpful to them and would be deeply appreciated.

Mr. WEBSTER. I will certainly inquire.

[The following information was subsequently provided:]

I would like to briefly describe to you the FBI's role in this matter. As you know, the FBI has no authority to investigate criminal acts which take place outside the jurisdiction of the United States. We have, however, provided investigative advice to American Embassy officials and to Salvadoran authorities responsible for investigating the deaths, and have conducted investigations within the United States based upon leads developed in El Salvador. We have also provided laboratory services and other technical assistance to the Government of El Salvador. At the specific request of the State Department and at the direction of the Attorney General in December 1980, shortly after the murders, five FBI technical experts from the FBI's Laboratory and Identification Divisions traveled to El Salvador and assisted in the examination of the burned-out van in which the churchwomen had been traveling. Fourteen latent impressions were developed and photographed for comparison with any prints that might be submitted, including those of suspects or persons having legitimate access to the van. To date, the FBI has examined identifiable prints of a total of thirteen individuals for comparison purposes.

In addition to the examinations of the van itself, FBI laboratory specialists also conducted examinations of a considerable amount of debris found in the area. Included in these examinations were serology, accelerant, hair and fiber, paint, document, and firearms examinations. The FBI also provided polygraph assistance in this case.

The details of the FBI's assistance in this investigation are being withheld pursuant to the Freedom of Information Act, Title 5, United States Code, Section 552, which exempts information which is currently and properly classified in the interest of the national defense or foreign policy, as well as the release of investigatory records compiled for law enforcement purposes, the disclosure of which would interfere with law enforcement proceedings, including pending investigations. In addition, the FBI has a longstanding tradition of not discussing or releasing the results of evidentiary examinations it has conducted at the request of local, state, other Federal, or foreign authorities. That policy is designed to insure that prosecution efforts in a case, as well as the rights of the accused, are not jeopardized. For these reasons, I am not in a position to comment on the results of evidentiary examinations conducted by the FBI in this case. Any release of documents to the family members would constitute a release of documents under the Freedom of Information Act and would, consequently, require the FBI to release the same documents to anyone making a valid request under the Act. It may interest you to know that the FBI has previously declined to furnish documents pursuant to other Freedom of Information Act requests, including one from a national television network. This decision was appealed to the Department of Justice, and after a careful review, the departmental attorneys upheld the FBI's denial. We are presently involved in litigation over this very matter, which also prevents me from commenting further about the case.

Mr. MILLER. Thank you.

J. EDGAR HOOVER BUILDING

Mr. SMITH. We went into it just briefly, but last year you stated you were attempting to take control of your headquarters building from the GSA because you felt you could operate it and maintain it better, more economically than GSA. What progress have you made in this effort?

Mr. WEBSTER. The Attorney General wrote the necessary letters and made the necessary agreement with GSA to do that, both for the Department of Justice and for the FBI facility, and, Mr. Chairman, it is my understanding that we are working on the redelega-

tion of the authority for the FBI building to me with May 1 as the target date.

Mr. SMITH. How much of an increase are you requesting in the standard level user charges for space rental for fiscal year 1984, and what percentage does this amount represent?

Mr. WEBSTER. The figures indicate \$8,378,000, an increase of 19 percent.

That is for all of the Bureau. Do you want the building itself?

Mr. SMITH. No. I will tell you what we want you to do, and staff can do this.

I want to break out what part of that increase relates to GSA asking for more money per square foot for Government-owned buildings, separate from whatever part is for increased cost of maintaining and all that.

Mr. WEBSTER. We will supply that for the record.

[The information follows:]

STANDARD LEVEL USER CHARGES (SLUC)

	Fiscal year		Increase	Increase (percent)
	1983	1984		
Total, FBI SLUC	\$43,839,000	\$52,217,000	\$8,378,000	19
J. Edgar Hoover Bldg. SLUC	19,927,000	20,136,000	209,000	1

The \$8,378,000 increase for FY 1984 represents:

	<i>Thousands</i>
Increased space needs for FBI operations	\$2,835
15-percent GSA rate increase	6,552
Restoration of congressional cuts to SLUC allowance for fiscal year 1983..	3,098
Reduction of SLUC due to FBI assumption of JEH maintenance	-4,107
Net	8,378

Below is an updated schedule of SLUC information which was requested and provided for the record last year:

SLUC—J. EDGAR HOOVER BUILDING

	Fiscal year			
	1981	1982	1983	1984
Total square footage	1,518,740	1,518,740	1,518,740	1,518,740
Total cost (in thousands of dollars)	12,905	19,927	19,927	20,136
Cost per square foot—general office space	\$9.29	\$14.28	\$14.28	\$14.43

STATE AND LOCAL ASSISTANCE

Mr. SMITH. In the fiscal 1982 appropriation bill we had 35 positions for General Law Enforcement Training Program. Last year you told us that not all of those positions had been filled because of hiring freezes. Has this situation changed?

Mr. WEBSTER. They are on board, Mr. Chairman.

Mr. SMITH. You spoke of the fully automated fingerprint system. Are user fees involved?

Mr. WEBSTER. They are for the non-criminal justice fingerprint card inquiries that come in.

Mr. SMITH. I remember many years ago talking about school children. For example, babies are born and they automatically get their fingerprints on file with the FBI so that we can protect people. Is there any kind of campaign going on to let the people know that this kind of service is available?

Mr. WEBSTER. We have not advertised the non-criminal justice program. There is a side area that has attracted quite a bit of attention, and that is the fingerprinting of children, as an outgrowth of concern for missing children. We catch it both ways. There have been local campaigns for fingerprinting in local police departments and schools, and other people complaining that there is something sinister about this program, and that maybe we should be very careful about it.

Our current solution, partly because of space requirements, and partly to avoid getting caught in an ideological contest, has been to urge parents to maintain those records just as they keep dental impressions and other things in their homes, and then if there should be something, the rare case where a child disappears, then they have the cards and we can act on them promptly.

Mr. SMITH. The trouble is if you are going to have an automated fingerprint system though, and you don't have the home-record fingerprints in the system, they just aren't going to be accessible quickly in these cases. And this missing child thing seems to be getting worse and worse all the time.

Mr. WEBSTER. You would be surprised how fast we could move if they would turn them over to us. If the child is reported missing and they have the fingerprint card, then we can do it.

The value of the fingerprint is not clear from an investigative point of view, other than if we have a person who denies his identity or if a person is found dead, something of that kind. It is also useful with small children, if someone is suspected of having a child that doesn't belong to them, that we can prove identity of those cases.

Mr. SMITH. Of course if there is suspicious arrangement and they think some child might be a stolen child—

Mr. WEBSTER. That is right.

Mr. SMITH. He has touched something and you get the fingerprint.

Mr. WEBSTER. That is right, and do it.

Mr. SMITH. You immediately find out whether or not he is the one that is missing.

Mr. WEBSTER. Sure.

Mr. SMITH. And there are other ways that that could help.

INTERSTATE THEFT MATTERS

With regard to no man's land, do you still have a number of these? I am referring, for example, to the docks, where we have had crimes and local law enforcement officers obviously have jurisdiction. But there are also federal crimes that could be involved, and each one saying, "Well, the other one should prosecute this crime"? Is this still somewhat of a problem?

Mr. WEBSTER. It hasn't been identified to me as a problem. Are you talking about the docks?

Mr. SMITH. Docks for the unloading of trucks and so forth. That is just one example.

Mr. WEBSTER. Not the shipping docks? You are talking about truck carrier docks and places of that kind?

Mr. SMITH. Yes, where they unload perishables, for example. That is one of the problems they have had. We had, a couple or three years ago, people being beaten up when they were unloading, because they weren't paying the fees under the table that somebody wanted, and it was declared kind of a no man's land, because the locals obviously could prosecute it, and it also is a violation of Federal law.

Mr. WEBSTER. We continue to be interested in those situations that involve labor racketeering activities.

Mr. SMITH. These weren't labor racketeering deals. They were people that were just operating on their own at the dock because the grocers, for example, didn't furnish people to unload trucks, so these people got started.

Mr. WEBSTER. They insisted on doing it. You weren't allowed to empty your own truck.

Mr. SMITH. Right.

Mr. WEBSTER. I think I had better answer that for the record, Mr. Chairman, because nothing has come across my desk recently that suggests we have a major problem in that area.

Mr. SMITH. We did pass a law. I was the author of it. It is to help in this regard. You can answer for the record whether or not it has helped or whether or not we still have some no man's land out there or whether something needs to be done.

Mr. WEBSTER. We don't believe that should go unattended, that if there is a violation of law, we should enforce it if it is within our jurisdiction.

Mr. SMITH. Lumpers grew up, what they call "lumpers"?

Mr. WEBSTER. "Lumpers", that is right?

Mr. SMITH. It has nothing to do with joining a union or anything else. They were just lumpers.

Mr. WEBSTER. We saw a lot of that maybe three years ago. Mr. Clarke is here from the Criminal Investigative Division. Have you had any cases? He is not aware of any, but we will look into it and see whether it is still a problem.

Mr. SMITH. I just ask whether or not the law that was passed is helpful in that regard?

Mr. WEBSTER. That may be the reason for it.

[The following information was submitted:]

The FBI has previously worked investigations concerning the "Lumpers" jointly with the Interstate Commerce Commission (ICC). The only case currently pending in the FBI is one in Chicago which is being reviewed by the U.S. Attorney's office for a prosecutive decision. We have no other pending cases which utilize the "Lumpers" statute as its investigative predication. We have a few pending cases which involve the docks; however, they are directed toward the Labor Racketeering responsibility which we have. The Attorney General's establishing Law Enforcement Coordinating Committees throughout the country has, to some extent, addressed the issue of "no-man's land" to which you referred. These committees include representatives of the U.S. Attorney's office, state prosecutors, and other representatives from the state, Federal and local level working together to identify national crime problems and to provide efficient investigative and prosecutive direction.

Mr. SMITH. Mr. Miller, did you have further questions?

Mr. MILLER. I have questions that can be answered for the record.

Mr. SMITH. Thank you very much. We shall submit those additional questions and ask you to respond for the record.

Mr. WEBSTER. Thank you, Mr. Chairman.

[The questions referred to and the answers follow:]

QUESTIONS SUBMITTED BY MR. SMITH

UNDERCOVER OPERATIONS

Question. What changes, if any, have occurred in the FBI's management of undercover operations since the hearings last year in the House and Senate on the ABSCAM operation?

Answer. The following changes have occurred since last year's hearing:

(1) Following FBI Headquarters approval for a Group I undercover operation the standard procedure has been for FBI Headquarters to send an opening communication containing instructions with respect to the conduct of that operation to the pertinent field division. However, since hearings last year the instructions have been expanded considerably to encompass such areas as adherence to Attorney General Guidelines exemptions, accounting matters, acquisition of property, consensual monitoring, handling of evidence, expenditures, informant payments, acquisition of vehicles, alias/false identification, indemnification agreements, extension/renewal of an operation and indexing.

(2) The format for applications being presented to the Criminal Undercover Operations Review Committee (CUORC) and the minutes of the CUORC meetings have been revised to more fully reflect consideration of risks, entrapment, sensitive circumstances and the potential for creation of illegal activities pursuant to the Attorney General Guidelines by field personnel, headquarters supervisors and members of the CUORC.

(3) A requirement has been established that a written letter of endorsement from the U.S. Attorney or the Strike Force Chief be submitted along with an application for approval of a new Group I undercover operation to the FBI Headquarters. Heretofore, the above endorsement was oral not written.

(4) A requirement has been established that a field division notify FBI Headquarters when an SAC authorizes the conduct of a Group II undercover operation in order to insure proper oversight by FBI Headquarters and compliance with requirements set forth in the Attorney General Guidelines.

(5) Requirements for inclusion of Special Agents in the pool of undercover Agents have been changed to include a written assessment of the SAC as to suitability and a minimum of three years investigative experience in the absence of unusual special or technical expertise.

ASSUMPTION OF NARCOTICS JURISDICTION

Question. How many resources has the Bureau allocated to drug enforcement work?

Answer. The FBI contribution to the drug enforcement effort has, to date, been made from existing resources. At this time we are devoting approximately 800 Special Agent workyears to narcotics-related investigations. This represents more than 11 percent of our total field investigative resources. the majority of that manpower is being expended by Agents assigned to our Organized Crime Program.

Question. What priority do you give to drug enforcement work compared with some of your more traditional activities such as investigation of organized crime, white-collar crime, and foreign counterintelligence?

Answer. The FBI's investigative programs having the highest national priority are: Foreign Counterintelligence, Organized Crime, Terrorism and White-Collar Crime.

Our investigative efforts focusing on the narcotics problem are, at this time, treated generally as part and parcel of our Organized Crime Program. As such, the investigations are treated on an equal footing with other organized crime cases as among the Bureau's highest priority matters. This is in line with the Attorney General's view "... that drug trafficking and organized crime are the most serious crime problems facing the nation today." This priority treatment of narcotics-related investigations is also in keeping with the Attorney General's observations con-

cerning violent crime which, as you know, goes hand-in-hand with narcotics trafficking and attendant crimes.

The newly acquired jurisdiction over the Controlled Substances Act has given the FBI not only an additional responsibility but also new opportunities to expand its investigations of the organized criminal elements in this country.

The Bureau is addressing the narcotics problem in six specific priority areas:

- (1) Traditional organized crime;
- (2) Non-traditional organized crime, such as outlaw motorcycle gangs and prison spawned gangs;
- (3) Major narcotics money laundering investigations;
- (4) Major international narcotics trafficking cartels;
- (5) Major domestic traffickers; and
- (6) Narcotics matters involving public corruption.

ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCES

Question. How will the work of the task forces affect other programs of the FBI?

Answer. In the initial stages of the operation of the Drug Enforcement Task Forces manpower is and, for a continuing period of time, will be drawn from other investigative programs, particularly, from the Organized Crime Program. However, because funding has been allocated for the training of new Special Agent Personnel to replace those Agents assigned to the task forces, the Agent complement allotted to the other programs will be brought back up to full strength. The detrimental affect on the other programs, then, is viewed as temporary, but necessary to our commitment of resources directed against the narcotics problem.

Question. I understand that you plan to staff the task forces with more experienced FBI investigators. Won't such a plan adversely impact on the FBI's other priority programs?

Answer. Yes, there will be an adverse impact on other priority programs. However, the impact should be a temporary one and will be rectified through the enhancement of our resources.

Question. How many new agents do you plan to hire and train to replace those allocated to the task forces and do you anticipate that you will have any problems in hiring and training such personnel?

Answer. In addition to the 204 agents which must be hired and trained to provide for the 102 agent workyears presently allocated to the FBI from the Organized Crime Drug Enforcement (OCDE) Appropriation, the FBI must also hire and train 150 agents provided by an amendment to our fiscal year 1983 Appropriation. In order to bring these new agents on board and replace normal loss through attrition, the following hiring pattern is planned for 1983.

New agents hired

Month:	
November 1982.....	1
December	40
January 1983.....	36
February.....	52
March.....	66
April.....	80
May	80
June	48
July	40
August	0
September	40
Total	483

No difficulty in hiring and training this number of agents is anticipated.

SPACE

Question. How much of an increase are you requesting for Standard Level User Charges for space rental for fiscal year 1984 and what percentage increase does this amount represent?

Answer. The increase for Standard Level User Charges for fiscal year 1984 is \$8,378,000, a change of 19 percent over the 1983 level.

TERRORISM

Question. There has been increasing opposition both in the United States (U.S.) and abroad over U.S. Government policies on nuclear energy development, and nuclear weapons development and deployment. Do you have any information that groups opposing U.S. Government policies are likely to resort to terror tactics to try to change such policies?

Answer. Although there appears to be increasing peaceful opposition not only to nuclear weapons but also nuclear power, none of this opposition has resulted in terrorist acts. The Federal Bureau of Investigation has no information that terrorist groups opposing U.S. Government nuclear policies will resort to criminal, terrorist type activity in the U.S., in an effort to force U.S. Government policies to change. Likewise, no information has been developed that indicates a terrorist group would use a nuclear threat or act to extort the U.S. Government into changing policies.

ADP AND TELECOMMUNICATIONS INCREASES

Question. If this request is approved, will criminal intelligence functions in the FBI be more centralized? For example, will the field office information system replace the organized crime information system and the intelligence support information system?

Answer. FOIMS will provide for more centralized management and control of criminal intelligence functions in the FBI. Information will continue to be generated, processed, and quality assured in the field divisions but will be accessible through FOIMS terminals based upon the access code of specific users once the FOIMS network is expanded to include OCIS offices.

FOIMS will not replace OCIS or IIS. These two systems are highly structured, specialized information systems targeted against specific criminal and FCI activities. Work efforts, as dictated by the Long-Range Automation Strategy, are being pursued in order to integrate the functions of the FOIMS, the OCIS, and the ISIS. Over the next several years the integration of the investigative systems will be phased into the implementation of the Cybernetic Integrated Investigative Information System that will ultimately evolve as the common system which supports the FBI's investigative functions.

Question. How would the expansion of OCIS and ISIS aid the FBI in determining priorities for allocation of investigative and intelligence resources?

Answer. Although OCIS was conceived prior to the FBI's involvement in drug investigations, OCIS was intended always to be a flexible investigative resource. Throughout the short history of OCIS, modification and changes have evolved from recommendations and requests of the OCIS users. The OCIS Hitman file and Pen-Register file are examples of the flexibility built into the OCIS. Both of these files were developed, from recommendation to on-line operational status, in less than six months. Likewise, with the acquisition of drug-related investigations by the FBI, the OCIS Unit modified its planning schedule and addressed the investigative interests and requirements of drug violations for which the FBI is now responsible. A new OCIS file, the Gang/Drug Cartel file, along with supplementary data base files (Relationship files, Gang/Drug Cartel Members files, etc.) have been developed. These files have been recently released for general use by all on-line OCIS field offices.

In order to support joint drug task force investigations, the OCIS must be installed in task force headquarter cities and those locations where there exists significant illegal drug activities. With the expansion of OCIS in these locations, the system would assist in determining priorities for allocation of investigative and intelligence resources. For example, existing on-line locations have reported that OCIS has assisted in the prioritization of targets of investigation. In another report, OCIS was used to determine the placement of scarce pen register equipment in a major Field Division. Additionally, OCIS has been used in identifying new cases to be pursued in existing on-line locations. Further, it has been reported that OCIS has been utilized in numerous instances in the management of informants, physical surveillances, and Title III operations. Finally, administrative program management data base files and related software are being developed that will directly support the management and coordination of the Organized Crime Program to include joint task force investigations.

ISIS provides computer support for major investigations. It quickly provides an investigator, supervisor, or prosecutor with detailed information required to manage an investigation including resources assigned to the case. ISIS also correlates information between Field Offices in a multi-office investigation. This capability provides a quick and easy method to exchange information between field offices thus allowing them to coordinate the resources of an investigation more effectively.

Question. There has been a report that the FBI and DEA will merge their ADP activities in the near future. What can you tell us about this and what impact would such a merger have on your fiscal year 1984 budget request?

Answer. On numerous occasions, the FBI has provided technical consultations in the ADP area to the DEA management. Additionally, the FBI has briefed DEA personnel on the FBI's Long-Range Automation Strategy and provided detailed documentation on existing automated information systems.

At the request of DEA, the FBI participated in the inspection of the El Paso Intelligence Center (EPIC) in December, 1982 and currently is investigating the feasibility and assessing resources required to service DEA employees using FBI personnel and payroll systems. This service will have little, if any, impact on our fiscal year 1984 budget request. There are currently no plans to merge any other FBI/DEA ADP activities.

TECHNICAL FIELD SUPPORT AND EQUIPMENT

Question. Another substantial increase in your budget request is the \$50,256,000 and 67 positions for technical field support and equipment. What are the major items included in this increase?

Answer. Of the \$50,256,000 requested increase, \$48,375,000 is associated with equipment and \$1,881,000 is associated with the 67 additional positions. Twenty-eight of the positions are for engineers and technicians, including engineering and tape enhancement technicians, and 39 are for personnel to install and maintain the radio voice privacy systems. The majority of the equipment increase, \$45,114,000, is to provide for FM radio equipment with integral voice privacy. Technical equipment for physical security, audio collection, physical surveillance, countermeasures, field recording and audio processing will require \$1,140,000. Enhanced photographic capabilities to be provided to the field offices to support sophisticated surveillance will require \$900,000 and \$1,221,000 is required for the purchase of five fixed-wing aircraft and one helicopter.

FINGERPRINT IDENTIFICATION

Question. What is the implementation cost and schedule for installing the Automated Identification Division System (AIDS)?

Answer. The sum of \$40 million has been requested in the Fiscal Year (FY) 1984 budget for the implementation of the final phase of the AIDS project (AIDS-III). AIDS-III is the culmination of the FBI's project to automate the Division's work functions, which began 16 years ago. This third phase of the automation project involves hiring a contractor to take the computerized equipment, techniques, and files developed in the project's two earlier phases and combine them into a fully-integrated, highly-efficient system. The budget request for \$40 million includes a request that these funds be made available for two fiscal years in the event that the contract award date is delayed until 1985 due to uncontrollable circumstances. The current schedule calls for issuing a Request for Proposals to solicit a single-buy contract for the installation of AIDS-III in early 1984. Contract award is currently scheduled for the end of fiscal year 1984. The final design, installation, testing and acceptance of AIDS-III are expected to take three years to complete, make AIDS-III operational in the last quarter of 1987 or the first quarter of 1988.

Question. Could you outline for us the advantage of AIDS-III in terms of accuracy and savings in processing time and costs?

Answer. Through the use of prototype equipment and pilot system operations the technological feasibility of AIDS-III has been proven by demonstrating the improvements in accuracy achievable in an automated system. The Division has taken immediate advantage of the improved accuracy of these automated techniques and has substantially raised the accuracy of current operations. AIDS-III will provide some additional improvements in system accuracy by replacing by increasing the volume of automated processing of work and reducing the potential for introduction of human errors.

The main advantages to completing the automated project through implementation of AIDS-III are in the areas of improvement in processing time and cost savings. AIDS-III will allow processing of work through the Division which now takes from ten to fifteen workdays in less than one workday. AIDS-III will also provide the basic features necessary to permit instantaneous on-line responses to requests supportive of systems being developed in the criminal justice community that will demand this kind of service in the future. A study was performed in 1982 proving the economic feasibility of AIDS-III. This study showed an annual savings in constant 1982 dollars after full implementation of AIDS-III of more than \$8 million per

year. The payback period on the investment to implement AIDS-III will occur within five years of start of operation. A life-cycle cost analysis over a 25-year period demonstrated a discounted savings of more than \$20 million.

The installation of AIDS-III not only produces cost savings for the Division, but for the users of the Division's services as well. The slow manual processing of applicant cards causes monetary losses and hardships in the Nation's employment and licensing sectors. This adverse impact was highlighted in a 1982 report by the General Accounting Office.

FINGERPRINT USERS FEE

Question. I understand that the volume of applications that you have received in this program is approximately 25 percent below your original estimate. What has been the reason for this decrease—do you think the decrease in applications is because many people feel your processing fee of \$12 per application is too high?

Answer. No, the decrease in fingerprint card submissions in connection with non-Federal employment and licensing is believed to be attributable to two main causes:

First, states have reevaluated the need for criminal history information for certain innocuous positions that previously required such background checks. The fee probably caused this reevaluation, but whether the fee was \$5 or \$12, the effect would have been the same. The end result is beneficial to all our users, since we are still performing our criminal justice agency checks and pertinent non-Federal applicant checks in a processing time of about ten workdays.

Second, many states were slow in setting up their administrative procedures for handling user-fee submissions. The submissions are gradually increasing and we expect that March submissions will be the highest yet. An excellent example of the slowness in the establishment of administrative procedures is the State of New Jersey. Prior to the implementation of the user fee, New Jersey was the second largest state contributor of such prints, with an annual volume of about 110,000. That state has experience continual personnel cuts at its state identification bureau over the past few years; and, effective October 1982, terminated the processing of all non-criminal work. State law prohibited the collection of fees for the work previously sent to us. State officials advised us early this month that the Governor is now interested in establishing a user fee at the state level and restoring New Jersey will have a substantial impact on their submissions. Similar situations exist in other states; and the Identification Division anticipates that, by the end of Fiscal Year 1984, submissions will be between one million and 1,200,000.

Question. What have been your actual costs in this program to date as compared with original cost estimates?

Answer. The FBI does not accumulate the actual costs to process each non-Federal employment and licensing fingerprint search; however, a cost study was conducted and a valid standard rate was developed which represents the average cost to process a fingerprint search. This rate of \$12.00 per search is indicative of the time and cost to process a non-criminal justice fingerprint search. Since the volume is less than anticipated, total costs to perform the searches will be proportionally less.

Question. Do you anticipate the need to increase the fee for handling such application for Fiscal year 1984 and, if so, why?

Answer. No, initial indications are that the fee for such applications will be reduced. Any reduction would, in part, be based upon the complete automation of our fingerprint searching operations. It is anticipated that further reductions in the fee and the number of employees needed to process the reimbursable work will take place as the Division reaches full automation. However, the Division also anticipates that reimbursable fingerprint card submission will grow in future years; and, therefore, personnel savings due to automation will be offset by the need for personnel to process the increase submissions. The Division's goal is to continue to reduce its processing time for all users while at the same time improving its product. The reimbursable program will be expected to pay for itself and not negatively impact on the services being provided the criminal justice community.

INTERSTATE IDENTIFICATION INDEX

Question. Last year legislation was approved to establish a National Crime Information Center Interstate Identification Index Program. This program will help to locate missing persons. What has been done to implement this legislation and establish the index?

Answer. The Interstate Identification Index (III) is a criminal history index to arrest records maintained by participating state agencies and the FBI. The III provides a rapid means for authorized criminal justice agencies to obtain these records

for official purposes. The III has no function in connection with the location of missing persons. With regard to locating missing persons, legislation known as "Missing Children Act" was passed by Congress on September 30, 1982, and signed into law by the President on October 12, 1982. This Act created a right for a parent, legal guardian, or next of kin of a missing child to determine from the FBI if data on the missing child is contained within the NCIC Missing Person File. Additionally, the FBI Director assured Congress that, in rare instances, where the local authorities refuse to enter a missing child, the FBI would enter the record.

"The Act" also allows for the creation of an National Unidentified Dead File which will assist in the identification of any deceased individual who has not been identified after the discovery of such deceased individual. Subsequent to the passage of a the Act, NCIC conducted the necessary research and held a meeting in February, 1983, with a panel of experts, recommended by Congress, concerning the concept and design of the Unidentified Person File. At present, programming for data collection for the file is underway.

Plans call for implementing the initial phase of the Unidentified Person File during the Summer of 1983.

Question. What impact will the establishment of this index have on the Fingerprint Identification Division's workload?

Answer. It is not possible at this time to accurately predict the extent and timing of the impact of the establishment of the Interstate Identification Index (III). This is because the III is a phased experiment to determine the extent to which the responsibility for the interstate exchange of state arrest records can be shifted from the federal level to the state level. The first phase of III has been completed. It demonstrated the decentralization of single-state offender records (i.e., those records relating to person arrested in only one state) and six states participated. The second phase of testing, which began in February 1983, will eventually have up to 15 participating states, and both single-state and multistate records are included in the test. The number and timing of additional state participants are not presently known.

It was anticipated that, initially, the III would generate additional work for the Identification Division; but that, in the future, the III would reduce the Division's workload. So far, this has proven to be correct. The Division has, since February 1983, received an average of 711 requests each workday for records generated as a result of "hits" on the III name index. This new workload has been incurred without any apparent decrease in the volume of name-check requests received directly by the Division through the mail. However, it is expected that during Fiscal Year (FY) 1984, the Division will receive about 114,000 fewer name-check requests through the mail because of the III. This would not be a major impact on the Division's workload, since the decrease represents only a 2.5 percent reduction.

The major impact of the III will occur when the National Fingerprint File component of the III concept is implemented. Under that part of the concept, participating states will submit fingerprint cards to the Identification Division only in situations where they are unable to identify them. This means that states will not submit subsequent arrest fingerprint cards on offenders known to them. It has been estimated that, with full 50-state participation, arrest fingerprint card submissions to the Division could be reduced to 40 percent of the current volume. However, because of the low identification rate on employment and licensing fingerprint cards, about 93 percent of the applicant fingerprint cards would continue to be received.

Overall, the Identification Division would continue to receive approximately 70 percent of all fingerprint card submissions, broken down as follows: three percent representing Federal offender cards, 17 percent representing state/local arrest cards, and 50 percent representing applicant cards. However, since the general trend of fingerprint card submissions has been upward over the years, some of the anticipated reduction may be offset by a general increase in fingerprint card receipts.

MONDAY, MARCH 21, 1983.

ANTITRUST DIVISION

WITNESSES

WILLIAM F. BAXTER, ASSISTANT ATTORNEY GENERAL

KEVIN D. ROONEY, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION

CHARLES R. NEILL, CONTROLLER

JOHN R. SHAFFER, DIRECTOR, BUDGET STAFF

Mr. DWYER [presiding]. The first item that we will consider today is the fiscal year 1984 budget request for the Antitrust Division. The request is \$45,791,000. This amount represents an increase of \$2,402,000 above the amount appropriated to date for fiscal year 1983.

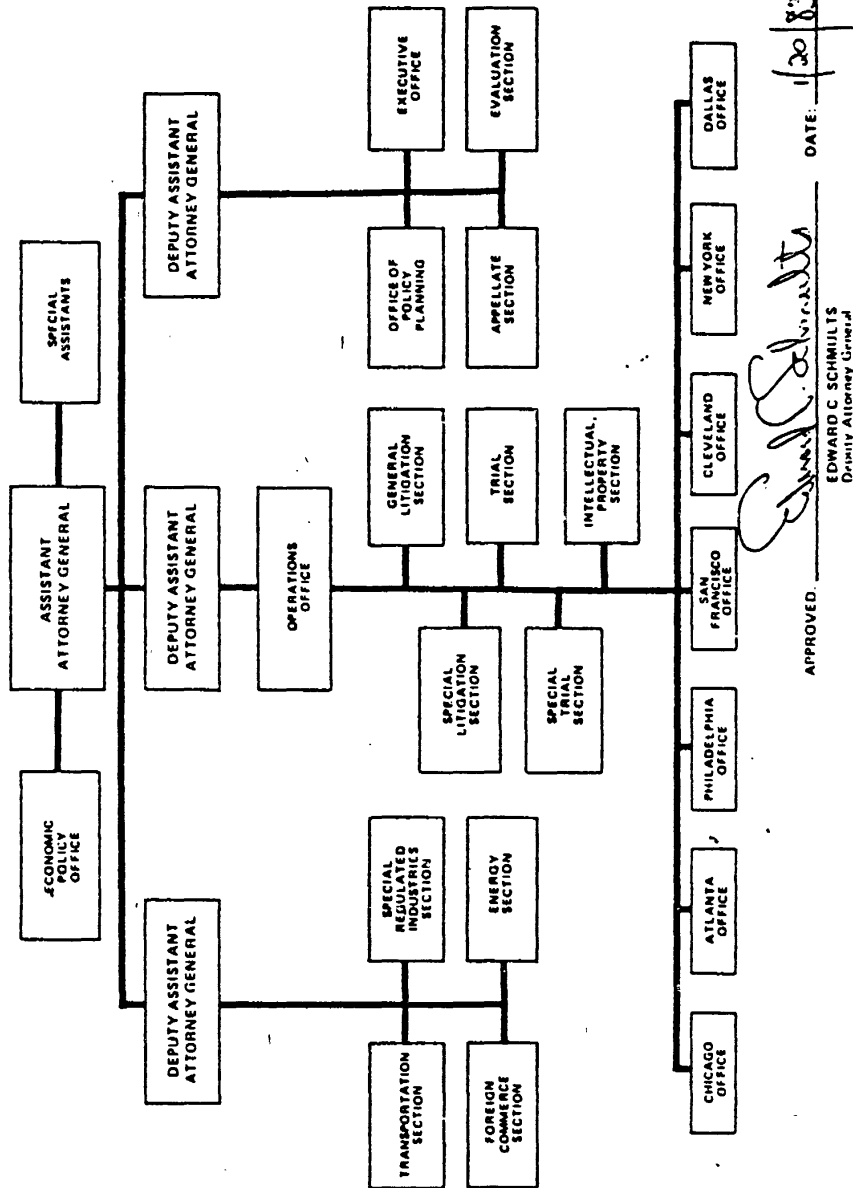
We shall insert at this point in the record the entire set of justification material submitted in support of this request.

[The justifications follow:]

Department of Justice
Legal Activities
Salaries and expenses, Antitrust Division
Estimates for Fiscal Year 1984
Table of Contents

<u>Item</u>	<u>Page</u> <u>Number</u>
Organization Chart.....	1
Summary Statement.....	2
Proposed Authorization Language.....	4
Justification of Proposed Changes in Appropriation Language.....	5
Crosswalk of 1983 Changes.....	6
Summary of Requirements.....	7
Summary of Resources by Program.....	8
Justification of Program and Performance.....	9
Program Resource Information.....	30
Priority Rankings.....	31
Detail of Permanent Positions by Category.....	32
Summary of Adjustments to Base.....	33
Justification of Adjustments to Base.....	33
Summary of Requirements by Grade and Object Class.....	36

ANTITRUST DIVISION



APPROVED:

Edward C. Schmiltz
 EDWARD C. SCHMILTZ
 Deputy Attorney General

DATE: 1/20/83

Legal Activities
Salaries and expenses, Antitrust Division
Summary Statement
Fiscal Year 1984

The Antitrust Division is requesting for 1984, a total of \$45,791,000, 704 permanent positions, and 686 workyears. This represents an increase of \$2,950,000 for uncontrollable increases including the effect of the 1983 pay raise. The responsibilities of the antitrust litigation for consumer protection program will be transferred to the Department of Justice's Civil Division in 1984; this involves the transfer of 38 permanent positions, 40 workyears and \$1,681,000 to the Civil Division. Adjusting for this transfer, the Antitrust Division's 1984 request represents a net increase of \$1,269,000 over the Division's 1983 anticipated appropriation. No program changes, either increases or decreases, are requested for 1984.

The responsibility of the Antitrust Division is to enforce the antitrust laws and thereby to promote competition--the fundamental economic policy of the United States. Competition serves consumers by fostering innovation and efficient resource allocation. The Antitrust Division enforces the federal antitrust laws and serves as the federal government's principal analyst of and advocate for competition. The Division's major programs include: (1) reducing private interference with the free market system through litigation in the federal courts directed at preserving competitive market structure by opposing anticompetitive mergers and acquisitions, and preventing private cartel behavior by prosecuting criminal and civil combinations and conspiracies in restraint of trade; (2) limiting government interference with the free market system through development and support of legislation favorable to competition and advocacy of competition before federal regulatory agencies; and (3) supporting government programs regulating abuses of market power by participation with government regulatory agencies in proceedings to enforce or review their orders while reducing excessively burdensome government regulation and assuring that the private sector of the economy can achieve its maximum potential. The major initiatives for the Division's programs are summarized below.

Federal appellate activity - The purposes of this program are to act on antitrust cases before the Supreme Court as authorized by the Solicitor General; represent the United States in the courts of appeals in all cases brought under federal antitrust laws; represent the United States in proceedings to review orders of certain regulatory agencies; and, when warranted, participate as amicus curiae in private antitrust cases. Through appropriate amicus participation in private litigation, the Division seeks to ensure that antitrust doctrines developed in private cases are rationalized to protect competition, not handicap competitors.

Termination and prevention of private cartel behavior - In recent years, the Division has stepped up significantly its efforts to remedy and deter restraints of trade through criminal enforcement. We believe that criminal prosecution leading to actual incarceration is the single most effective deterrent to unlawful behavior. No corporate officer is likely to undertake a routine cost/benefit analysis of violating the antitrust laws when he or she realizes that such conduct carries with it the real likelihood of a criminal prosecution and prison sentence. Public awareness that price-fixing is a serious crime with serious implications is an important objective in the battle to preserve a competitive economy.

Preservation of competitive market structure - The 1968 merger guidelines have been rewritten because changes in economic analysis and judicial precedent in subsequent years have rendered parts of the guidelines obsolete. Under the old guidelines, the freedom of businesses to undertake competitively unobjectionable mergers was unjustifiably inhibited, and economically desirable mergers were deterred. Responsible enforcement policy in the merger area is important for increased productivity. It is important to prevent mergers that could enhance the risk of cartel behavior and to avoid interference with competitively neutral or procompetitive mergers. Such interference could seriously impair existing capital market mechanisms for ensuring that assets are put to their most productive use. The law requires enforcement agencies and the courts to determine whether a particular merger or acquisition under consideration threatens significantly to lessen competition in a particular product and geographic market. Our goal in revising the guidelines has been to develop a concise statement of the analysis that the Division will undertake in assessing the likely competitive effects of a merger or acquisition. Based on these guidelines, we will undertake an enforcement program that will vigorously challenge anticompetitive mergers and, at the same time, avoid interference with procompetitive or competitively neutral transactions.

Judgment enforcement - An intensive analysis of all injunctive decrees from past antitrust cases has been commenced because many of these judgments appear to impose anticompetitive and inefficient constraints upon the firms that are party to them. In some instances, the adverse effects are due to changed conditions in the particular markets involved; in others, the problems exist because the decrees were based, at the outset, upon misguided notions concerning the effect upon consumer welfare of certain types of industrial behavior. The purpose of the review is to identify and seek the modification or termination, as appropriate, of the decrees that could inhibit desirable competitive activity or otherwise disserve the public interest. During 1984, we expect to participate in numerous judicial proceedings to take the steps indicated by such a review.

Policy analysis, legislation and training - This program combines several functions within the Division: legislative activities; research and evaluation of major legal, program and economic issues; analysis of economic data for specific investigations and cases; and attorney training.

Competition advocacy - In the area of regulatory reform, the Division has advocated competition before regulatory agencies and enforcement in the courts of antitrust sanctions against those individuals and corporations in regulated industries that engage in anticompetitive behavior outside the areas of antitrust immunity created by regulatory statutes. Regulation may needlessly restrict the ability of fit, willing and able applicants to provide desired services to the public, or needlessly restrict price competition by all. The Antitrust Division argues against such policies in a variety of forums.

Management and administration - This program encompasses several activities within the Division including overall management and administration of the Freedom of Information and Privacy Acts as well as management, administrative, budget, and information systems support for Division sections and field offices.

The fundamental premise of the nation's economic system is that the free market will achieve the greatest possible efficiency in the allocation of resources and thereby yield maximum productivity. The federal antitrust laws were enacted to safeguard the processes of the free market. One of our principal objectives will be to ensure that the antitrust laws are enforced and interpreted to achieve this goal.

Legal Activities
Salaries and expenses, Antitrust Division
Proposed Authorization Language

The Antitrust Division is requesting the following authorization language:

For the Antitrust Division for its activities:
\$45,791,000.

Legal ActivitiesSalaries and expenses, Antitrust DivisionJustification of Proposed Changes in Appropriation Language

The 1984 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and expenses, Antitrust Division

For expenses necessary for the enforcement of antitrust, consumer protection and kindred laws; [\$43,389,000] \$45,791,000

No substantive changes are proposed.

Legal Activities

Salaries and expenses, Antitrust Division

Crosswalk of 1983 Changes
(Dollars in thousands)

Activity/Program	1983 President's Budget Request		Congressional Appropriation Actions on 1983 Request		1983 Supplemental Requested		1983 Appropriation Anticipated	
	Pos.	MY Ant.	Pos.	MY Ant.	Pos.	MY Ant.	Pos.	MY Ant.
Enforcement of antitrust, consumer protection and kindred laws:								
Federal appellate activity.....	24	24 \$1,153	-1	-1 -\$77		\$35	23	23 \$1,111
Termination and prevention of private cartel behavior.....	234	225 14,527	-17	-25 -1,004		332	217	200 13,855
Preservation of competitive market structure.....	230	238 17,276	-15	-25 -792		328	215	213 16,812
Antitrust litigation for consumer protection.....	23	23 1,034	-1	-2 -72		34	22	21 996
Judgment enforcement.....	23	23 1,315	-1	-2 -91		34	22	21 1,258
Policy analysis, legislation and training.....	97	100 4,725	-5	-9 -443		134	92	91 4,416
Competition advocacy.....	63	65 2,593	-4	-6 -236		90	59	59 2,447
Management and administration....	95	102 3,843	-3	-4 -362		146	92	98 3,627
Total.....	789	800 46,466	-47	-74 -3,077		1,133	742	726 44,522

Explanation of Analysis of Changes from 1983 Appropriation Request

Congressional Appropriation Actions

The decrease shown reflects the reduction of \$1,347,000 associated with the October 1981 pay raise cost which the Antitrust Division absorbed in 1983. Congressional action further reduced the request by \$1,730,000, and had the effect of reducing resources by 47 positions and 44 workyears. Of this reduction, \$402,000 is attributed to the Congress' decision to hold the 1983 Standard Level User Charges (SLUC) amount to the rate incurred during 1982.

Supplementals Requested

The pay request provides \$1,133,000 to meet increased pay requirements (Executive Order 12387, October 3, 1982, as modified by P.L. 97-246, the Tax Equity and Fiscal Responsibility Act of 1982, and P.L. 97-377, Further Continuing Appropriations).

Legal Activities
Salaries and expenses, Antitrust Division
Summary of Resources by Program
(Dollars in thousands)

Estimates by Program	1982 as Enacted			1982 Actual			1983 Appropriation Anticipated			1984 Base			1984 Estimate			Increase/Decrease	
	Perm.	MY	Amount	Perm.	MY	Amount	Perm.	MY	Amount	Perm.	MY	Amount	Perm.	MY	Amount	Perm.	MY
Federal appellate activity.....	25	25	\$1,078	25	25	\$1,075	23	23	\$1,111	23	23	\$1,175	23	23	\$1,175	...	...
Termination and prevention of private cartel behavior..	246	237	12,637	246	220	12,603	217	200	13,855	211	192	14,561	211	192	14,561	...	...
Preservation of competitive market structure.....	241	249	15,048	241	234	15,009	215	213	16,812	208	205	17,643	208	205	17,643	...	...
Antitrust litigation for consumer protection.....	24	24	961	24	23	959	22	21	996	...	...	...	...	...	...	...	...
Judgment enforcement.....	24	24	1,188	24	23	1,185	22	21	1,258	22	21	1,328	22	21	1,328	...	...
Policy analysis, legislation and training.....	102	105	4,346	102	100	4,335	92	91	4,416	92	91	4,706	92	91	4,706	...	...
Competition advocacy.....	67	69	2,457	67	65	2,451	59	59	2,447	59	59	2,617	59	59	2,617	...	...
Management and administration..	100	107	3,485	100	108	3,476	92	98	3,627	89	95	3,761	89	95	3,761	...	...
Total.....	829	840	41,200	829	798	41,093	742	726	44,522	704	686	45,791	704	686	45,791	...	...
Other Workyears																	
Holiday.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Overtime.....	7	7	...	7	7	...	7	7	...	7	7	...	7	7	...	...	...
Total compensable workyears.....	847	847	...	805	733	...	733	733	...	693	693	...	693	693	...	...	...

Legal Activities

Salaries and expenses, Antitrust Division

Justification of Program and Performance

Activity Resource Summary
(Dollars in thousands)

Activity: Enforcement of antitrust, consumer protection and kindred laws	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease	
	Anticipated			Perm.			Perm.			Perm.	
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY
Federal appellate activity.....	23	23	\$1,111	23	23	\$1,175	23	23	\$1,175	...	...
Termination and prevention of private cartel behavior.....	217	200	13,855	211	192	14,561	211	192	14,561	...	...
Preservation of competitive market structure.	215	213	16,812	208	205	17,643	208	205	17,643	...	...
Antitrust litigation for consumer protection.	22	21	996	...	...	...	...	...	...	...	...
Judgment enforcement.....	22	21	1,258	22	21	1,328	22	21	1,328	...	...
Policy analysis, legislation and training....	92	91	4,416	92	91	4,706	92	91	4,706	...	...
Competition advocacy.....	59	59	2,447	59	59	2,617	59	59	2,617	...	...
Management and administration.....	92	98	3,627	89	95	3,761	89	95	3,761	...	...
Total.....	742	726	44,522	704	686	45,791	704	686	45,791	...	...

These programs enforce antitrust, consumer protection and kindred laws to make competition work throughout the U.S. economy. The Antitrust Division fulfills its mission first as a law enforcement agency bringing civil and criminal antitrust cases, primarily under the Sherman and Clayton Acts, to promote or maintain competition in particular markets. Second, the Division participates in proceedings of federal (and occasionally state) regulatory agencies where those proceedings involve important questions of antitrust law or competition policy. Third, the Division appears before congressional committees and within the Administration as advocate of more competitive legislative and policy solutions to many of the nation's problems. Finally, Division personnel participate in seminars and speak before professional associations, business groups and other organizations as advocates of competition.

1983 Appropria- tion Anticipated	1984 Base			1984 Estimate			Increase/Decrease	
	Perm.			Perm.			Perm.	
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY
Federal appellate activity.....	23	23	\$1,111	23	23	\$1,175	23	\$1,175

Long-Range Goal: To provide effective representation before courts of appeals and the Supreme Court for antitrust cases and in proceedings to review orders of certain regulatory agencies.

Major Objectives:

To continue to support sound and consistent development and enforcement of antitrust laws through the expert prosecution and defense of appeals in cases brought by the United States.

To protect the interests of the United States in the development of antitrust law through participation as amicus curiae in private antitrust appeals.

To advocate competition in appeals taken from regulatory proceedings.

Base Program Description: The Division acts on antitrust cases before the Supreme Court as authorized by the Solicitor General; represents the interests of the United States in the courts of appeals in all civil and criminal cases brought by the United States under the federal antitrust laws; reviews certain decisions of the Interstate Commerce Commission (ICC), the Federal Communications Commission (FCC), the Civil Aeronautics Board (CAB), the Federal Maritime Commission (FMC) and the Nuclear Regulatory Commission (NRC); and prepares an appeal position for the United States; and prepares and files amicus briefs in the courts of appeals and the Supreme Court in selected private antitrust cases.

Accomplishments and Workload:

	1981	1982	1983	Estimates 1984
Administrative Law Cases - Appellate				
Pending, beginning of year.....	497	446	454	463
Filed.....	226	316	175	175
Terminated.....	277	316	166	166
Pending, end of year.....	446	454	463	472

Appellate activity has been heavy since the beginning of 1982. In the past year the Division has filed seven amicus briefs, two at the request of the Court, in cases involving important questions of antitrust policy. These include: Inwood Laboratories, Inc. v. Ives, No. 80-2182; American Society of Mechanical Engineers, Inc. v. United Brotherhood of Carpenters and Joiners of America, No. 80-2092; Fair Labor Union v. National Labor Life Insurance Co., No. 81-389; and Meyerhaeuser v. Union Labor Life Insurance Co., No. 81-389. In the Inwood Laboratories case, the Division filed an amicus brief urging the Supreme Court to grant a writ of certiorari to review a decision holding that Section 2(b) of the Robinson-Patman Act meeting, after consultation with the Department of Justice, the Division filed a brief on the merits of the case.

More recently, in the Pireno case the Division filed an amicus brief arguing that an agreement between an insurer and a provider peer review committee that allegedly restrains competition in the provider market does not fall within the scope of the McCarran-Ferguson

Act antitrust exemption. The Supreme Court agreed with the Division's position. A brief was also filed in *State of Illinois v. Abbott & Associates, Inc.*, No. 81-1114. The primary issue in this case is whether Section 4(b) of the Clayton Act, 15 U.S.C. 15f(b), authorizes disclosure to state attorneys general of grand jury transcripts and exhibits relating to antitrust investigations on less of a showing than particularized and compelling need. We have participated as a party in this case because the Division has custody of the grand jury materials at issue.

The Division joined with the Interstate Commerce Commission in filing a brief in *Burlington Northern v. U.S.*, No. 81-1008, asking the Court to grant the petition for a writ of certiorari filed by the railroad. The issue in this case is whether the court of appeals may reinstate or revive the first of several ICC decisions setting a maximum reasonable rate for the transportation of coal between two points by vacating and remanding subsequent decisions setting higher rates as inadequately explained. The Supreme Court granted the petition and the Division and the ICC have filed a joint brief.

In the courts of appeals, several antitrust cases have been decided or are currently under submission and decisions are expected in 1983. For example, in *U.S. v. Bearden*, 659 F.2d 590 (5th Cir. 1981), the Division successfully appealed from a district court order dismissing numerous indictments, including two indictments in Division cases, for failure to comply with the Jury Selection and Service Act. The court of appeals agreed with our contention that many of the objections to the grand jury selection procedures were not made within the time permitted by statute and that there were no substantial failures to comply with the Act. In *re International Business Machines Corporation*, No. 82-3037 (2d Cir. decided August 13, 1982), the Court agreed with the Division's position that the Antitrust Procedures and Penalties Act does not apply to a stipulation to dismiss an antitrust case. In *Paschall v. Kansas City Star*, we filed an amicus brief urging reversal of a district court decision holding that vertical integration by a monopoly newspaper into distribution violated Section 2 of the Sherman Act. Finally, in *Stop and Save Food Markets, Inc. v. Pneuemo Corp., et al.*, No. 80-9053 (2d Cir. decided July 2, 1982) the Division filed an amicus brief in support of a petition for rehearing contending that the alleged exaction of penalty rent was not an illegal tying arrangement. After considering our brief, the court granted the petition for rehearing and filed an opinion agreeing with our analysis.

In addition to the antitrust docket in the courts of appeals, the Division performed its obligatory function of reviewing those appeals from ICC, FCC, POC, FMC and NRC decisions in which the United States is a statutory respondent.

1983 Appropriation Anticipated	1984 Base		1984 Estimate		Increase/Decrease	
	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount
Termination and prevention of private cartel behavior.....	217	200 \$13,855	211	192 \$14,561	211	192 \$14,561
				
				

Long-Range Goal: To promote and maintain competition in the American economy by reducing private cartel behavior to restrain trade or commerce.

Major Objectives:

To promote economic efficiency and the enhancement of consumer welfare by using criminal and civil enforcement of Section 1 of the Sherman Act to terminate and prevent agreements that restrain competition in particular markets.

To limit cartel behavior in industries subject to state or federal regulation to appropriately approved conduct that has been authorized by statute; and to prevent the continuation of cartel behavior once statutes authorizing the approval of such behavior have been repealed.

To educate the public, business, and legal professions with respect to the principles of antitrust laws and enforcement policies.

To maximize competition among those bidding under the government procurement program by coordination with and advice to other executive agencies on their property acquisition policies.

Base Program Description: Private cartel behavior is deterred by investigating and litigating violations of Section 1 of the Sherman Act. Criminal prosecutions are employed to punish violators; civil actions seek to recover damages to the government and secure injunctions against the continuation or renewal of illegal conduct. A wide range of investigatory techniques are used in this program including staff and FBI investigations, civil investigative demands, and grand jury investigations. In addition, the Division monitors private activity and market performance through its litigating sections and field offices and employs professional economists to collect and analyze regional and national market data, with special emphasis on highly concentrated industries.

Accomplishments and Workload:

	<u>Estimates</u>		
	<u>1981</u>	<u>1982</u>	<u>1983</u>
<u>Antitrust Cases</u>			
Pending, beginning of year.....	109	102	85
Filed.....	96	112	112
Terminated.....	103	129	129
Pending, end of year.....	102	85	68
			51
<u>Investigations</u>			
Pending, beginning of year.....	300	319	455
Instituted.....	267	301	350
Terminated.....	248	165	225
Pending, end of year.....	319	455	580
			705

Note: Represents workload for the termination and prevention of private cartel behavior, the preservation of competitive market structure, and the policy analysis, legislation and training programs.

From October 1, 1981, through December 31, 1982, the Division initiated 99 criminal prosecutions involving 99 corporate defendants and 95 individual defendants in connection with conspiracies to rig bids on public highway and airport construction projects in 13 states. Eighty-three cases have been resolved in which 80 corporations and 77 individuals pleaded guilty. Two cases involving 2 corporations and 2 individuals are awaiting trial. Four corporations pled nolo contendere over the government's objection. Fifteen cases have been completed through trials in which the juries convicted five corporations and five individuals and acquitted eight corporations and 11 individuals.

The alleged illegal activities of the defendants and co-conspirators consisted of allocating among themselves highway construction projects; submitting collusive, noncompetitive and rigged bids, or withholding bids; designating the successful low bidder; submitting intentionally high, or complementary bids; and submitting bid proposals and affidavits containing fraudulent statements and entries.

Felony prosecutions in Virginia, North Carolina, South Carolina, Georgia, Kansas, Texas, Nebraska, Florida, Kentucky, Maryland, Oklahoma, Iowa and Pennsylvania have charged violations of Section 1 of the Sherman Act, mail fraud, false declarations made before a grand jury and false statements submitted to a state department of transportation. The cases brought so far involve millions of dollars in construction work. Most involve federally-funded construction projects to build highways and airport runways and taxiways for which competitive bids were solicited by the various states and municipalities. Fines totaling approximately \$23 million and aggregate jail sentences in excess of 16 years incarceration have been imposed in these cases to date. (54 individuals have served an average of four months incarceration.) Currently, the Division is using grand juries empaneled in 21 states to investigate these alleged bid-rigging conspiracies.

The unparalleled success of the Division's criminal prosecutions has also led to other competitive initiatives which will have long-term benefits to federal and state procurement agencies. In August, 1982, the Antitrust Division and the Department of Transportation (DOT) formed an Interdepartmental Bid-Rigging Investigations Coordinating Committee to plan and direct joint investigations of suspected bid rigging in construction programs financed with DOT funds. This Committee meets periodically to discuss potential areas of investigation, to define the scope of joint investigations, to maximize state agency participation in investigations wherever appropriate and to evaluate and recommend joint investigative techniques.

The Committee's most recent project has involved drafting a document entitled, "Suggested Procedures to Prevent and Detect Collusion on Highway Construction Projects" which is based on the Antitrust Division's extensive experience in conducting bid-rigging investigations and prosecutions. This document outlines specific recommendations to detect and prevent collusion on highway construction projects, but can be adapted for use in other procurement systems. It will be part of a package of materials being prepared concerning collusion in procurement systems that will be sent to all state departments of transportation and to other federal agencies.

A representative selection of cases brought under this program follows:

U.S. v. Ashland-Warren, Inc., et al.

On April 8, 1982, Ashland-Warren, Inc. pleaded guilty to six antitrust violations involving bid-rigging on highway construction projects in Tennessee and North Carolina and was fined a total of \$6 million. This fine, together with a fine imposed against the company from an earlier prosecution in Virginia, brought the total amount of fines to be paid by Ashland-Warren, Inc. to \$7,500,000, the largest amount ever imposed against a corporation for criminal violations of the federal antitrust laws.

U.S. v. All Coast Fishermen's Marketing Association, Inc.

On February 19, 1982, the Division filed a civil antitrust suit against the All Coast Fishermen's Marketing Association, Inc., of Charleston, Oregon, alleging that the association violated Section 1 of the Sherman Act by conspiring to restrain competition in the sale of seafood. The complaint alleged that, beginning in 1971 and continuing to the present, All Coast conspired to fix prices paid by processors of seafood and commercial fishermen and to eliminate competition among the fishermen in sales to processors.

The Association, which represents its member commercial fishermen in the marketing of salmon, crab, shrimp, and black cod, was formed pursuant to the Fishermen's Collective Marketing Act of 1934, under which some joint activities between members of the Association have a limited exception from the antitrust laws. However, members of a cooperative cannot engage in joint pricing and marketing activities with nonmembers, and cannot act jointly to compel nonmembers to join the Association or to comply with its prices or policies.

According to the suit, members of the defendant Association agreed with nonmembers on the price of seafood, agreed with nonmembers not to fish until a price had been fixed, compelled nonmembers, through threats and harassment, to refrain from fishing until a price was fixed and to sell fish at All Coast's price, and required processors to collect fees on all seafood delivered, including seafood from nonmembers. In 1980, the dollar value of crab, shrimp, and salmon delivered to processors by commercial fishermen in Oregon was approximately \$37 million. The suit asks that All Coast be enjoined from continuing or renewing the conduct alleged in the complaint. On July 13, 1982, a stipulation proposed judgment and competitive impact statement were filed.

U.S. v. National Association of Broadcasters

On November 23, 1982, a final consent judgment terminated the Division's civil antitrust suit against the National Association of Broadcasters (NAB). The suit, filed on July 16, 1982, alleged that certain elements of NAB's Television Code constituted an agreement among industry members that restricted competition in the sale of television advertising, and therefore violated Section 1 of the Sherman Act. The challenged Code provisions limited the number of non-program announcements that could be broadcast consecutively, the number of times a program could be interrupted for non-program material, and the number of products that could be advertised in a single commercial. The Code also specified the number of minutes per hour of non-program material that a station could broadcast. The complaint alleged that these provisions effectively created a 30-second minimum for television commercials, which prevented television advertisers from developing innovative commercial formats, and that the Code artificially limited the supply of advertising time, thereby driving up its price.

In an Opinion and Order issued on March 3, 1982, the judge found the multiple-product rule to be illegal under the Sherman Act, and ordered NAB immediately to stop its enforcement. The judge also denied all elements of NAB's motion for summary judgment and held the remaining issues for trial. The consent decree settling this action addresses itself to each of the rules challenged by the Division. The decree forbids the NAB from disseminating or enforcing the television code rules originally attacked. It also forbids the NAB from adopting any rule in the future respecting the quantity, placement, or format of non-program material. The decree does not prevent any individual broadcaster from independently adopting limitations on the quantity, placement, or format of non-program material.

U.S. v. Danilow Pastry Co., Inc., et al.

On June 4, 1982, a federal grand jury in New York City indicted six wholesale bakeries and six individuals for conspiring to fix prices for pastry in the New York metropolitan area and parts of New Jersey. The bakeries are the six major wholesale producers of pastry for sale to restaurants, luncheonettes, hospitals, schools, office cafeterias and institutional caterers in the New York metropolitan area and parts of New Jersey. They are also suppliers of pastry to jobbers located in New York, New Jersey, Pennsylvania and Connecticut. The combined sales of pastry by them from 1977 through 1980 were more than \$100 million. The six individuals are present or former owners of the wholesale bakeries or their predecessors.

The indictment charged that beginning at least as early as the mid-1960's and continuing until at least March 1981, the defendants and various co-conspirators agreed to raise and fix the prices of pastry. The civil suit names, in addition to the six indicted corporations, two affiliated distributors of the pastry. It seeks injunctive relief based on the same allegations as those in the indictment. The maximum penalty for each corporation upon conviction of the charge in the indictment is a fine of \$1 million. The maximum penalty upon conviction for each individual is a fine of \$100,000 and imprisonment for three years.

1983 Appropriation Anticipated	1984 Base		1984 Estimate		Increase/Decrease	
	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.
WY Amount	WY Amount	WY Amount	WY Amount	WY Amount	WY Amount	WY Amount

Preservation of competitive market structure.. 215 213 \$16,812 208 205 \$17,643 208 205 \$17,643

Long-Range Goal: To enhance the ability of markets to function efficiently by preventing mergers and acquisitions that may lessen competition and by preventing and dissipating monopoly power acquired or maintained by purposeful conduct inconsistent with competition on the merits.

Major Objectives:

- To enforce the new merger guidelines that are based on current economic analysis, so that the freedom of business to undertake competitively unobjectionable mergers is no longer deterred.
- To develop a coherent merger enforcement program which prevents mergers that threaten to reduce competition in specific markets while minimizing governmental interference with transactions having no significant potential for harm.
- To enforce effectively the premerger notification requirements of the Hart-Scott-Rodino Antitrust Improvements Act of 1976 and propose changes where requirements are too burdensome and could be relaxed with no loss to the efficacy of our merger screening program.
- To utilize fully the expanded statutory authority provided the Division in the Antitrust Procedural Improvements Act of 1980.
- To develop and implement managerial and procedural reforms that will allow complex cases to be brought to conclusion more expeditiously.

Base Program Description: The Division promotes and maintains the competitive structure of the U.S. economy through investigation and litigation of instances in which monopoly power is sought, attained, or maintained through non-competitive conduct and by seeking injunctive relief against mergers and acquisition that may tend to eliminate competition.

Accomplishments and Workload:

	Estimates			
	1981	1982	1983	1984
Antitrust Cases				
Pending, beginning of year.....	109	102	85	68
Filed.....	96	112	112	112
Terminated.....	103	129	129	129
Pending, end of year.....	102	85	68	51
Investigations				
Pending, beginning of year.....	300	319	455	580
Instituted.....	267	301	350	350
Terminated.....	248	165	225	225
Pending, end of year.....	319	455	580	705

Note: Represents workload for the termination and prevention of private cartel behavior, the preservation of competitive market structure, and the policy analysis, legislation and training programs.

A representative selection of cases brought under this program follows:

U.S. v. G. Heileman Brewing Company, Inc., et al.

On November 22, 1982, the Division filed a civil antitrust suit challenging the acquisition by G. Heileman Brewing Company, Inc., of LaCrosse, Wisconsin, of Rabat Brewing Company of Milwaukee, Wisconsin. The suit and a proposed consent decree were filed simultaneously in Wilmington, Delaware. The complaint charges that Heileman's acquisition of a controlling interest in Rabat and in the Olympia Brewing Company, in which Rabat currently has a 49 percent stock interest and Heileman a two percent stock interest, would substantially lessen competition in the beer industry in the United States.

Measured by 1981 shipments, Heileman was the nation's fourth largest brewer; Rabat was the fifth largest and Olympia was the eighth. Heileman's shipments were 13,965,000 barrels, representing 7.6 percent of total industry shipments. The combined shipments of Rabat and Olympia were 19,165,000 barrels, representing 10.5 percent of total industry shipments.

The proposed decree permits Heileman to retain only a portion of the total assets of Rabat and Olympia. These retained assets include the Rabat breweries in Rabat, Georgia, and Portland, Oregon; the Olympia brewery in San Antonio, Texas; and eight specified brands of beer. The proposed decree prevents Heileman from retaining any interest in, or exercising any control over, the remainder of the Rabat and Olympia assets. If Heileman and Rabat fail to accomplish the division of assets by March 31, 1983, a trustee will be appointed to complete it.

The proposed decree is consistent with the terms of an outstanding tender offer by Heileman for up to 5.5 million shares of Pabst common stock. The tender offer contemplates that, following Heileman's acquisition of a controlling interest in Pabst, a series of corporate transactions would result in the transfer of a portion of the Pabst and Olympia assets to Heileman. The balance of the Pabst and Olympia assets would be transferred to a separate entity in which Heileman will have no interest. The assets so to be transferred to Heileman are the same as the assets that Heileman would be permitted to retain under the proposed decree.

In light of the filing of the suit and the proposed consent decree, the Division has advised Heileman and Pabst that it would consent, under the 1973 consent decree which terminated an earlier antitrust suit by the Division against Heileman, to Heileman's pending tender offer. That decree enjoins Heileman from acquiring "any brewery brewing and selling beer" in an eight-state area without the approval of the Department of Justice or the court. The eight states are Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Ohio and Wisconsin. Without such approval, Heileman would not be able to proceed with the tender offer because Pabst owns and operates a brewery in Milwaukee, Wisconsin, and Olympia owns and operates a brewery in St. Paul, Minnesota.

A lawsuit by certain Pabst stockholders against Heileman is presently pending in U.S. District Court in Wilmington, Delaware, in which the Heileman tender offer is being challenged on various grounds, including alleged violations of applicable securities and corporate law. The Division is taking no position on the merits of these claims.

U.S. v. Central Bank, et al.

On February 17, 1982, the Division filed a civil antitrust suit against two commercial banks and their common owner, seeking divestiture of the owner's interest in either bank. The defendants are Central State Bank of Beulah, Michigan, State Savings Bank of Frankfort, Michigan, and Harry C. Calcutt, a resident of Traverse City, Michigan. The complaint alleges that defendants and other co-conspirators entered into an agreement, the effect of which has been to eliminate competition between Central and State, accomplished through Calcutt's control over both entities. Calcutt is chairman of the board of directors, a director, and a shareholder of Central. In addition to being president, a director, and the majority shareholder of State, Central is the second largest bank in Benzie County, with 28 percent of the total deposits held by depository institutions in the county. State, whose office is located approximately seven miles from Central's offices, is the third largest, with 25.7 percent of the deposits. The suit alleges that the defendants have violated Section 1 of the Sherman Act by engaging in an unlawful contract, combination and conspiracy in unreasonable restraint of trade. The complaint asks that the defendants' actions be declared unlawful and that Calcutt be required to divest his interest in either bank.

U.S. v. Archer-Daniels-Midland Company, et al.

On December 14, 1982, the Division filed a civil antitrust suit challenging the lease by Nabisco Brands, Inc., of its two corn wet milling plants to Archer-Daniels-Midland Company (ADM). The lease became effective in June, 1982, and has an initial term of 13 years. Prior to the lease, both companies were major domestic producers of corn wet milling products, including high fructose corn syrup. The complaint charges that the transaction violated Section 1 of the Sherman Act and Section 7 of the Clayton Act. It asks that the lease be rescinded and that the parties be required to restore Nabisco's corn wet milling business to its pre-lease competitive posture.

Prior to the lease only nine firms produced high fructose corn syrup in the United States, and the four largest firms controlled approximately 70 percent of total domestic production capacity. ADM was the second largest producer of high fructose corn syrup in

the United States. Nabisco ranked third. As a result of the lease, ADM became the largest producer of high fructose corn syrup in the United States, and Nabisco ceased all active participation in the business.

Corn products, such as corn syrup, corn starch, high fructose corn syrup, and dextrose, are obtained from the corn wet milling process. High fructose corn syrup is produced through the use of enzymes that convert the starch found in corn to a product containing fructose sugar. High fructose corn syrup is used primarily as a sweetening agent in soft drinks and other food products. According to the complaint, ADM had high fructose corn syrup sales of \$207 million in 1981. Nabisco had high fructose corn syrup sales of \$180 million in 1981. The complaint alleges that the lease eliminated competition between ADM and Nabisco, unreasonably restrained competition and increased concentration in the manufacture and sale of high fructose corn syrup in the United States.

	1983 Appropriation Anticipated		1984 Base		1984 Estimate		Increase/Decrease	
	Pos.	WY Amount	Perm.	WY Amount	Perm.	WY Amount	Perm.	WY Amount
Antitrust litigation for consumer protection..	22	21	\$996	....	....	....	....	....

Effective in 1984, the responsibilities of the Antitrust litigation for consumer protection program will be transferred to the Department of Justice's Civil Division. Associated with the transfer are 22 positions, 21 workyears and \$1,033,000 from the antitrust litigation for consumer protection program; 6 positions, 8 workyears and \$250,000 from the termination and prevention of private cartel behavior program; 7 positions, 8 workyears and \$285,000 from the preservation of competitive market structure program; and 3 positions, 3 workyears and \$113,000 from the management and administration program. Positions and funding from the Antitrust Division's two major litigating programs and management and administration will provide appellate and administrative support for the consumer protection program.

Long-Range Goal: To protect consumers from defective or harmful products and from unfair and misleading business practices.

Major Objectives:

To provide effective enforcement of consumer protection statutes through civil and criminal litigation.

To assure that the rules and regulations of federal agencies are consistent with consumer protection requirements and goals.

To assist consumers in the resolution of complaints outside the jurisdiction of the Justice Department by acting as an informal "ombudsman" in the referral of complaints to other federal agencies and local enforcement agencies.

Base Program Description: Objectives are accomplished by supervising or conducting substantive consumer protection litigation which arises under a number of federal statutes including criminal prosecution and defensive litigation where officials of the principal consumer protection agencies are sued. Frequent consultation and advice is rendered to client agencies regarding pending and possible litigation. Examples of the types of cases are proceedings to prevent or punish the introduction into commerce of adulterated food, drugs and cosmetics, the sale and distribution of potentially harmful consumer and household use products, and civil

penalty actions for violations of FTC cease and desist orders prohibiting consumer fraud. The Division also prepares comments on consumer fraud and on consumer-oriented legislation, and handles consumer mail.

Accomplishments and Workload:

Consumer

	<u>Estimates</u>	
	<u>1983</u>	<u>1984</u>
Pending, beginning of year.....	783	422
Referred.....	501	462
Terminated.....	862	366
Pending, end of year.....	422	518

During the first ten months of 1982, the Division received 37 new case referrals from the Federal Trade Commission, 260 enforcement or defensive cases involving the Food, Drug and Cosmetic Act and five Consumer Products Safety Commission cases. In U.S. v. Troxler Hosiery Corporation, a criminal contempt matter tried before a judge designated by the United States Court of Appeals for the Fourth Circuit and argued to a panel of that court, the Fourth Circuit found Troxler Hosiery Corporation guilty of contempt for willful disobedience of an order prohibiting the removal of previously seized THIS-treated children's sleepwear from California. The court sentenced the corporation to a fine of \$80,000. In another matter, the Court awarded a substantial civil penalty for violations of an order prohibiting the manufacture and sale of carpet not meeting the carpet flammability standard.

In a number of Federal Trade Commission actions, the Division is seeking civil penalties and injunctive relief for violations of Commission cease and desist orders, trade regulation rules, or statutes prohibiting anticompetitive conduct, various deceptive marketing practices, or unfair debt collection practices. The Division entered into a settlement with one of the defendants, Anacorda, in the case of U.S. v. Phelps Dodge, a major civil penalty action involving violations of an order prohibiting price-fixing and other anticompetitive practices by four manufacturers of paper-insulated electric cable. The settlement provides for a \$100,000 civil penalty and an injunction prohibiting Anacorda from engaging in certain anticompetitive conduct. The Division also settled two other significant civil penalty cases, one against Hertz Corporation for violations of the Commission's Holder-in-Due-Course Rule and one against Gulf Coast Builders Exchange, Inc. for violation of a competition order prohibiting boycott-type activity.

The government was awarded partial summary judgment on the issue of the defendant's liability in U.S. v. Louisiana-Pacific, an FTC civil penalty action in which the government alleges that the defendant failed to divest a Louisiana-Pacific subsidiary in violation of an FTC cease and desist order. The government was also granted summary judgment establishing a debt collection firm's responsibility for over 140 violations of a Fair Debt Collection Practices Act in U.S. v. ACR. In U.S. v. National Dynamics, an FTC civil penalty case involving advertisements by an auto battery manufacturer in violation of a final order to cease and desist, the court entered a consent judgment providing for \$100,000 in civil penalties. In U.S. v. Reader's Digest, an FTC civil penalty action involving violations of an FTC order in the magazine's sweepstakes promotion, the civil penalty of \$1.99 million was paid. Two cases were filed seeking civil penalties for the failure of firms to report substantial product hazards in automatic baseball pitching machines in violation of Section 19 of the Consumer Products Safety Act. In U.S. v. Allied Publishers Service, the district court upheld the constitutionality of certain important amendments to the FTC Act. Likewise, in U.S. v. JSEA Group, Inc., the district

court rendered a favorable decision on the relief available to the government in civil penalty actions involving Trade Regulation Rules.

In a number of cases challenging action by the Food and Drug Administration (FDA), the courts rendered judgment in favor of the government. In *Commonwealth of Massachusetts v. FDA*, a suit in which the State of Massachusetts alleged that FDA's denial of exemption from federal preemption for a state statute regulating hearing aids was contrary to law, the court upheld FDA's action. In *Newport Pharmaceuticals v. Schweiker*, the court upheld the agency's interpretation of provisions of the Food, Drug and Cosmetic Act relating to time periods for agency consideration of new drug applications. In *McIlwain v. Hayes*, the court found for FDA in a challenge to the extension by FDA of the provisional listing of twenty-three color additives. Finally, in *Biotech Research Corp. v. Schweiker*, the court rejected plaintiff's request for pre-enforcement review of the status of its drug. Decisions favorable to the government were also rendered in *Public Citizen v. Monich*, a suit seeking to have nitrates declared color additives and in *Chaney v. Schweiker*, a suit to prevent the use of lethal drug injections for capital punishment. A number of FDA criminal matters are pending; the agency is being represented in both enforcement and defensive cases.

The Division is also actively engaged in investigations of criminal conduct under the odometer fraud provisions of the Motor Vehicle Information and Cost Savings Act, 15 U.S.C. §1981, et seq.

The Division maintained an average total caseload of over 500 cases during 1982, and obtained judgments for fines, penalties and forfeitures in the amount of approximately \$1,009,000.

1983 Appropriation Anticipated	1984 Base		1984 Estimate		Increase/Decrease Perm.							
	Perm.	Pos.	Perm.	Pos.								
Judgment enforcement.....	22	21	\$1,258	22	21	\$1,328	22	21	\$1,328

Long-Range Goal: To achieve a visible and effective judgment enforcement program through systematically investigating compliance with outstanding judgments and, where appropriate, by initiating litigation to impose sanctions on decree violators or obtain further injunctive relief; and to review all existing decrees and commence proceedings for modification or termination of those that inhibit desirable competitive activity or otherwise deserve the public interest.

Major Objectives:

To identify decrees or decree provisions that have become unnecessary or anticompetitive over time and seek modification or termination by court action.

To supervise implementation of the reorganization of AWT required by the Modification of Final Judgment in *U.S. v. Western Electric*.

To augment traditional reliance on complaints of possible violations by developing methods to identify judgments of sufficient importance to justify independent investigations.

To complete visitation investigations on major judgments entered in 1981 and 1982, with initiation of civil or criminal enforcement litigation where warranted.

To have in place a standardized procedure for organization and entry of new decrees.

Base Program Description: A visible and effective compliance program is the best deterrent to non-compliance. To make its enforcement program effective, the Division investigates and brings civil and criminal contempt proceedings when it determines that judgments it has obtained are being disobeyed. The Division also monitors judgments that require further action by defendants, such as divestitures within a certain period of time, and initiates further litigation if defendants fail to comply. The Antitrust Division's decree review project is a major initiative and should ultimately result in substantial savings to the public. Since passage of the Sherman Act in 1890, injunctive relief has been obtained against thousands of defendants in over 1,200 civil antitrust cases. While in recent years the Division has favored "sunset" decrees that automatically terminate after a specified time, we estimate that fully 95 percent of the extant decrees are perpetual.

Accomplishments and Workload:

Historically, it was the policy of the Antitrust Division to seek perpetual injunctive relief in civil antitrust actions. Perpetual decrees were deemed desirable for two principal reasons: (1) when violation of the Sherman Act was only a misdemeanor, perpetual decrees provided a basis for seeking substantial contempt penalties in the event of subsequent violations; and (2) they provided a means, through their visitation clauses, by which the Division could obtain information that otherwise might not be available to it. These justifications largely disappeared after Congress (1) in 1974, amended the Sherman Act to make violation of the Act a felony punishable by substantial fines and imprisonment; and (2) in 1962, authorized the Division to issue civil investigative demands; and in 1976, enhanced this authority. Moreover, most decrees enjoin some behavior that would not, standing alone, violate the antitrust laws. With the passage of time and concomitant changes in markets, a decree containing such provisions may begin to restrain competitive behavior rather than to promote it. For these reasons, it is now the general policy of the Division to limit injunctions to a term of ten years, although in particular cases a longer term, or even perpetual relief, may be appropriate.

Since October 1981, the Division has implemented an automated tracking system for monitoring affirmative obligations imposed by active judgments. At present, the system concentrates on judgments entered within the past ten years. Responsibilities for monitoring these judgments have been reallocated among staff attorneys so that judgments falling within a common industry or product group are assigned to a single attorney, who can develop and use industry knowledge in selecting enforcement targets. Also, as part of the decree review project, nearly 100 judgments are already under active consideration for possible modification or termination.

Decrees terminated recently include the 1920 meatpackers decree U.S. v. Swift & Co.; U.S. v. Hart, Shafner & Herz; a d U.S. v. Grinnell Corp. The 1956 consent decree in U.S. v. Lee Shubert, et al., has been modified to permit Shubert to acquire theaters in New York City and in other markets without first seeking court approval, but with limitations on theaters that may be acquired by Shubert in connection with pending Broadway redevelopment projects. The Division has consented to a major modification of the automobile asset decree, U.S. v. Motor Vehicle Manufacturers Assn., and, pursuant to the court's order, has published a competitive impact statement concerning the proposal.

A representative selection of cases brought under this program follows:

U.S. v. Ford Motor Company

The Division has consented to motions to terminate a 44-year-old consent decree which resolved a civil antitrust suit against Ford Motor Company and certain predecessors of C.I.T. Financial Corporation, a wholly-owned subsidiary of RCA Corporation. The decree may have deterred Ford from subsidizing its credit subsidiary, Ford Motor Credit Company, to allow it to offer below-market interest rates on vehicle purchases. The Division's consent was contained in a stipulation filed by the parties on October 7, 1982, and is awaiting court action. The companies filed their motions to terminate the consent decree at the same time.

The consent decree settled a civil action filed on November 7, 1938, which alleged that Ford had combined and conspired with its affiliated finance companies to restrain trade and commerce in the wholesale and retail sale and financing of Ford automobiles by requiring dealers who handled Ford cars to patronize only the finance companies affiliated with Ford.

The Division agreed to the termination of the judgment because its only significant effect today is to deter Ford and its wholly-owned finance company affiliate, Ford Motor Credit Company, from offering automobile financing at below-market rates. This is a patently undesirable result, particularly considering the present state of the American automobile industry. The decree was originally entered by the court in South Bend, Indiana, on November 15, 1938, and was last modified on October 29, 1953.

Chrysler Corporation and General Motors Corporation have advised the Division that they intend to file motions to terminate decrees that regulate their dealings with affiliated credit companies. The Division presently anticipates consenting to those motions also.

1983 Appropriation Anticipated	1984 Base		1984 Estimate		Increase/Decrease	
	Perm.	MY Amount	Perm.	MY Amount	Perm.	MY Amount
Pos.			Pos.		Pos.	MY Amount

Policy analysis, legislation and training... 92 91 \$4,416 92 91 \$4,706 92 91 \$4,706

Long-Range Goal: To ensure that the objective of increased competition in the marketplace is vigorously promoted in new legislation, and to enhance the quality of litigation and investigative activities through economic and statistical analysis, research of major legal issues, and improved training for Division attorneys and economists.

Major Objectives:

Develop sound economic bases for investigations and litigation to ensure that our enforcement program is beneficial to the economy.

Encourage the submission and passage of legislation promoting a competitive economy and discourage legislation to limit antitrust laws or provide new exemptions.

Promote substantive and long-range planning in the allocation of resources among competing programs and the development of new or modified program initiatives.

Enhance the litigation skills of Division attorneys through continuing education and career development. The Division's goal is to have 50 percent of the attorneys participate in some form of training or continuing legal education each year.

Base Program Description: Several important functions are combined to accomplish the objectives of this program. These include legislative activities, research of major legal issues and economic conditions, provision of management information on Division activities, economic analysis for investigations and litigation, and attorney and economist training.

Accomplishments and Workload:

	Estimates		
	1981	1982	1983 1984
Antitrust Cases			
Pending, beginning of year.....	109	102	85 68
Filed.....	96	112	112 112
Terminated.....	103	129	129 129
Pending, end of year.....	102	85	68 51
Investigations			
Pending, beginning of year.....	300	319	455 580
Instituted.....	267	301	350 350
Terminated.....	248	165	225 225
Pending, end of year.....	319	455	580 705

Note: Represents workload for the termination and prevention of private cartel behavior, the preservation of competitive market structure, and the policy analysis, legislation and training programs.

Hart-Scott-Rodino premerger notification filings have been numerous since October, 1981. The introduction in the Division's Economic Policy Office of an internal screening process designed to identify quickly mergers not likely to present competitive problems has reduced the number of filings investigated in depth and permitted economists to participate in over 300 filings this year. First, filings are screened by a staff member who reviews responses to a selected group of paragraphs most likely to reveal a possible competitive problem. If the responses indicate that a problem cannot be ruled out, an Assistant Director of the Economic Policy Office assigns the filing to a staff economist who consults market share and line-of-business data reported by Economic Information System (EIS) and COMPUSTAT, a financial data base from Standard and Poor's, to insure against the possibility that the filings were inaccurate. If this review reveals no likely competitive overlap, the materials are returned to an Assistant Director with a recommendation to proceed no further. This screening has reduced the number of filings investigated in depth by about 20 percent, with a corresponding savings of scarce investigative resources.

The use of a minicomputer has assisted in analyzing the financial condition of companies, projecting profitability and cash flows under various assumptions and in analyzing the ability of companies to pay fines. This data, combined with analyses of financial statements and information of companies, has permitted Division counsel to negotiate and confidently recommend substantial fines, with the knowledge that financial studies were performed to support the plausibility of their recommendations.

Legislative matters handled in 1982 by the Division have varied in significance, complexity and sensitivity. Proposals were studied for rights of contribution among defendants in antitrust cases, analyses of the benefits and problems associated with the doctrine were developed and assistance was rendered in developing the Department's proposal. Substantial efforts have been devoted to

assuring that proposals for special antitrust exemptions for certified export trading companies contain adequate antitrust safeguards. Extensive comments were prepared on omnibus legislation dealing with the procurement policies and rules of the federal government. The Division's comments counseled maximum reliance on competition and the elimination of statutory barriers to such in current law. In comments and testimony, the Division has opposed as unnecessary anticompetitive proposals to force divestiture of retail operations by major refiners and, in effect, to regulate prices at which gasoline is transferred by refiners to distributors. Other legislative projects this year have involved a wide variety of subject matters, such as vicarious liability issues in the proposed Federal Criminal Code, international joint venture antitrust exemptions, antitrust exemptions in insurance, amendments to the Mineral Leasing Act expanding lessee eligibility, government patent policy, telecommunications deregulation, real estate settlement practices, ocean shipping, antitrust exemptions for malt beverage distributors, authorization of product liability risk retention groups, CAB sunset legislation, and patent lifetime extension.

Responsibilities for Federal Rules Task Forces have required analysis and comment on proposed rule changes. Of particular interest have been proposed changes in the Criminal Rule 6(e); we prepared comments and expert testimony on proposals that would unreasonably restrict the use of grand jury materials by Department attorneys. Proposed changes to the civil rules provisions relevant to judicial case management required extensive analysis and the preparation of comments. Several issues, including the legitimacy of dual second requests, the interpretation of time binds in the Premerger Rules, problems associated with reportable secondary acquisitions, and proposals for a number of Rule changes, have been handled so far this year. Our goal has been to interpret the Rules carefully to deter violations, but to watch for opportunities to reduce unnecessary reporting requirements.

The Division has been involved in establishing and clarifying government policy regarding relative rights of the states and the federal government to seek damages in road and airport construction cases. We have served on the Department's Equal Access to Justice Task Force to interpret this new law, and have filed comments with several regulatory agencies regarding its scope in an effort to avoid unnecessary and unintended constraints on the Division's activities and fiscal risk. In addition, the Division has analyzed conflict of interest questions, the relationship of state grants of immunity to potential federal prosecution, the liability of successor corporations, a model Code of Professional Responsibility, antitrust issues in professional sports, interagency patent policy decision-making, False Claims Act matters, problems associated with collecting fines, and preemption.

	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease	
	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY
Competition advocacy.....	59	59	\$2,447	59	59	\$2,617	59	59	\$2,617	...	...

Long-Range Goal: To eliminate unnecessary or counterproductive governmental interference with free market forces and seek adoption of the least anticompetitive means of achieving overriding social purposes.

Major Objectives:

To achieve more competition in federally regulated industries.

To provide guidance to regulatory agencies with respect to regulatory issues arising from the implementation of the reorganization of AWT required by the Modification of Final Judgment in U.S. v. Western Electric.

To minimize the prohibitions against and restrictions of competition under the guise of state regulation.

To stimulate competition in the delivery of professional services.

To reduce or eliminate the antitrust immunities enjoyed by particular industries.

To encourage competition from the inception of new technologies.

Base Program Description: The Division promotes competition policy in federal regulatory decision-making in two basic ways. First, it participates in adjudicatory hearings and rule-making proceedings of federal regulatory agencies. Second, the Division evaluates federal regulatory schemes to determine additional proceedings where intervention would be fruitful, and to develop legislative proposals for restructuring legislative mandates or procedures to eliminate unnecessary regulation. The Division also pursues the traditional avenue of litigation of violations outside or "on the margins" of statutory antitrust exemptions, and against professional associations and state regulation. Finally, the Division fulfills the obligation of the Department of Justice, set forth in a variety of federal statutes, to submit reports to other government agencies regarding the competitive implications of matters pending before them.

Accomplishments and Workload:

Participation in Regulatory Agency Proceedings	Estimates		
	1981	1982	1983
Civil Aeronautics Board (CAB)	9	17	...
Nuclear Regulatory Commission (NRC)	5	12	...
Federal Energy Regulatory Commission (FERC)	6	4	...
Securities and Exchange Commission (SEC)	1	2	...
Federal Deposit Insurance Corporation (FDIC)	-	1	...
Federal Reserve Board (FRB)	2	2	...
Federal Communications Commission (FCC)	13	8	...
Federal Maritime Commission (FMC)	17	1	...
Interstate Commerce Commission (ICC)	21	6	...
Federal Home Loan Bank Board (FHLBB)	3	4	...
International Trade Commission (ITC)	5	3	...
Postal Rate Commission (PRC)	1	2	...
Other	8	8	...
Total	91	70	80

Note: The Division cannot estimate by particular regulatory agency where intervention will prove fruitful during 1983 and 1984.

In April, 1982, the Division supported a proposal by the National Credit Union Administration (NCUA) to deregulate share, share draft and share certificate accounts of federal credit unions. NCUA regulations currently limit dividends paid on share and share draft accounts to 12 percent and impose either minimum deposit requirements or premature withdrawal penalties, or both, on the higher-yield

share certificate accounts. Under the NCUA's new rule, local federal credit unions will be free to establish all of the terms and conditions governing their varying types of accounts including dividend rates, minimum deposit requirements, maturity terms and premature withdrawal penalties. The Division's comments pointed out that the NCUA proposals will greatly enhance the ability of federal credit unions to meet competition for deposits from other types of financial institutions and non-regulated investment competitors such as the money market mutual funds.

In August, 1982, the Division filed comments with the FCC regarding a proposal to adopt a system governing payments to local telephone exchanges for use of their facilities by interstate telephone carriers. The proceeding is intended to set the guidelines for the pricing of access to the local exchanges by AT&T and the other common carriers known as OGCs, which are competitive interexchange carriers. A system of exchange access charges is necessary to compensate the local telephone companies for the use of their facilities for interstate calling. This compensation has previously been performed under a complex process administered by AT&T. The Division suggested in its filing that the FCC should move cautiously in imposing any access charge plan that would cause significant changes in current interstate rate structures. If the FCC moves toward a system of flat monthly charges (away from the current system of a per-minute surcharge), the Division recommended doing so gradually. The FCC exchange access charge plan is an important step in promoting competition in long distance telephone services. The FCC's action, stated the Division, is especially timely in light of the divestiture of AT&T's operating companies due to the proposed modification resolving the Division's monopolization case against AT&T.

Cellular radio service is a new type of mobile telephone service which offers service to many more users than conventional mobile phone services. The FCC processes the cellular radio license application procedure. Under FCC rules, one of the two cellular licenses to be awarded in each market has been reserved for a local telephone company currently operating in the market. Advanced Mobile Phone Service, Inc., and the subsidiaries of GTE Mobiline, Inc., filed requests with the FCC to withdraw the competing applications in each market in order to substitute their joint venture as the named applicant in each market's remaining application. The FCC invited comments on whether or not granting the petitions would be in the public interest. The Division replied that the applicants' agreement to withdraw all competing applications could raise major questions under the antitrust laws, and could seriously hinder competition at the outset of this new technology.

The Division has established a Depository Institution Review Unit that will be responsible for screening all applications for mergers of banks, bank holding companies and savings and loans. The applications are required to be reviewed by the Division under the bank merger statutes and the Premier Notification Act. Under the statutory schemes, the Division's opinion on the competitive impact of a proposed acquisition is solicited prior to regulatory action on the application. Due to conditions of the economy and changes in the financial marketplace, there has been a rapid increase in the number of such merger applications.

In the past year the Division has participated in a number of proceedings at the CAB, FAA, ICC and FTC to advocate competitive solutions to a variety of problems in regulated transportation industries. While many of these matters are pending, several have been resolved along lines suggested by the Division.

At the CAB, the Board has recently released its final decision in the competitive marketing of air transportation investigation. There the Division recommended an end to exclusivity agreements between airlines and travel agents, the elimination of certain anticompetitive licensing requirements for travel agents and brokers, and the allowance of a variety of independent pricing and marketing practices by travel agents and airlines. In its opinions, the Board adopted most of the Division's recommendations. The

Board immediately allowed more flexible pricing and marketing practices, and ordered the phasing out of antitrust immunity for restrictive entry agreements. These rulings will insure additional competition in the marketing of airline transportation in the future.

At the PAA and CAB, the Division has filed a number of comments suggesting resolutions to the problem of limited access to a number of airports. Throughout, the Division has recommended a market solution--the auctioning of new slots and open trading or sale of existing slots. For a time, in early 1982, the PAA allowed trading and selling of slots, thereby enabling the airlines to reduce their operating costs by rationalizing their route structures.

Finally, at the ICC, the Division has participated in a number of matters that were resolved in the past year, the most significant of which was the UPac/Nozpac/Wpac merger proceeding. There the Division participated fully in the 21 month review process, ultimately recommending approval of the merger, contingent upon the granting of trackage rights over the merged carriers' line to competitors who will be best able to provide competition in areas where it would have been reduced by the merger. The ICC approved the merger and granted the primary trackage rights application recommended by the Division.

1983 Appropriation Anticipated	1984 Base		1984 Estimate		Increase/Decrease	
	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount

Management and administration..... 92 98 \$3,627 89 95 \$3,761 89 95 \$3,761

Long-Range Goal: To provide effective and efficient management and policy direction of all Antitrust Division activities.

Major Objectives:

To provide policy direction and energizing leadership for antitrust enforcement personnel.

To develop and maintain a working climate for Division personnel that fosters interest in, enthusiasm for, and dedication to the Division's programs.

To serve as articulate and persuasive spokesman for competition policy within the Administration, before regulatory agencies and the Congress, and before the general public.

To allocate resources and control the current and future workload and output of the Division to produce results that are beneficial to the American people.

To improve the Division's capability to meet the requirements imposed upon it by the disclosure provisions of the Freedom of Information and Privacy Acts.

To provide effective and efficient administrative support for all Antitrust Division activities.

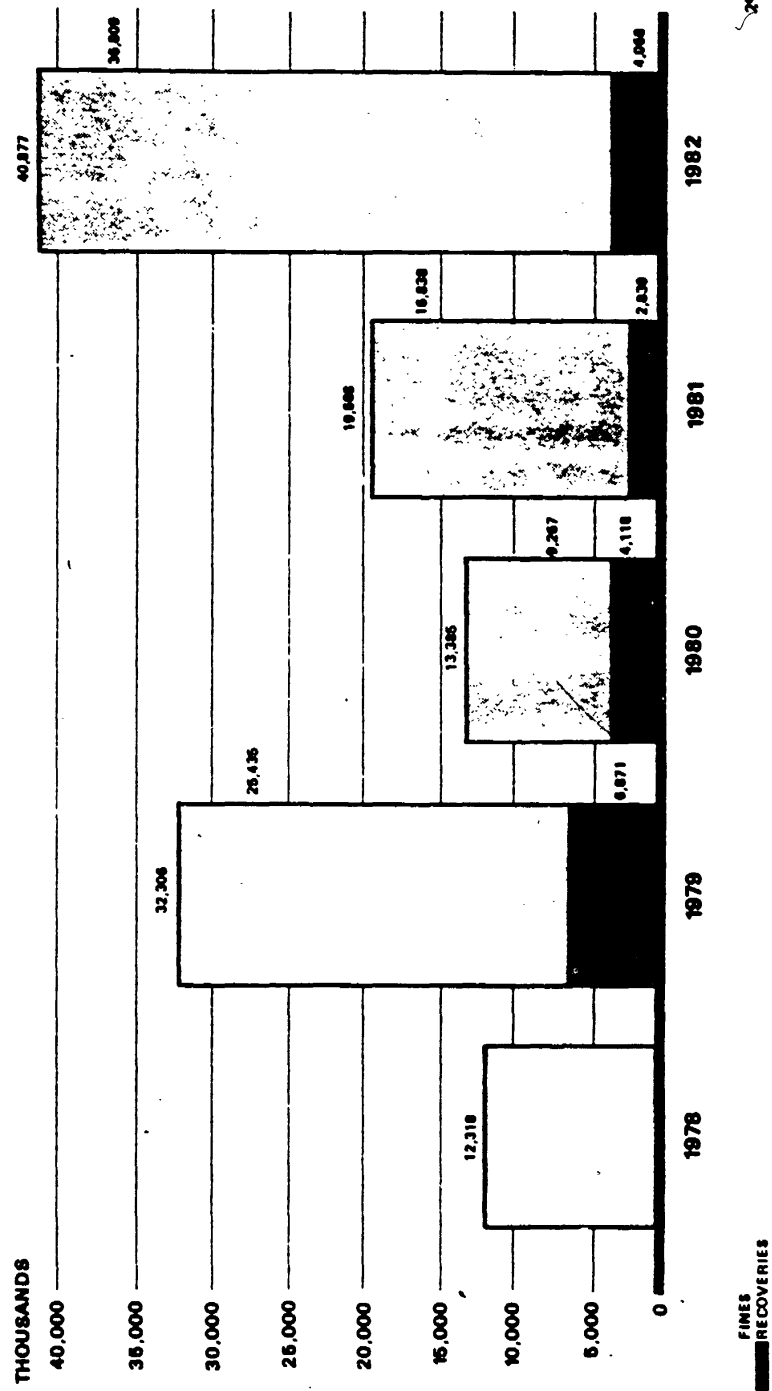
To support the Division's professional staff with modern tools for information processing.

Base Program Description: The responsibility for enforcing antitrust statutes requires reaction to complaints and to identifiable economic conditions, and a more sophisticated initiative designed to develop enforcement programs for long-range problems such as preservation of competitive market structure. The Division also has the responsibility for serving as the federal government's primary spokesman and analyst on competition policy and its impact on legislative and governmental actions. The staff determines the allocation of a finite amount of resources among competing programs to meet the varied responsibilities of the Division as effectively as possible. Support encompasses a wide number of tasks to be performed in order to provide the resources and tools needed by the attorneys and economists to do their jobs. As the complexity of the Antitrust Division has increased, so has the need for administrative services.

Accomplishments and Workload:

Administrative support services must be provided for each of the sections, field offices, and numerous trial staffs. This encompasses all matters pertaining to personnel from the date of application and entrance on duty to separation, including assignment of secretarial and paralegal support services; affirmative action in accordance with equal opportunity employment goals; budgeting and financial management; security for personnel and documents; records management; space; citizens' inquiries; collection of Antitrust Division fines and penalties; workload statistics; mail, messenger and duplicating services; and the use of computer systems to support management information, economic analysis, and legal research. Under Freedom of Information and Privacy Act provisions, files which may be responsive to requests are located and reviewed, and preliminary judgments as to discoverable and exempt material are made.

FINES AND RECOVERIES IN ANTITRUST CASES
Fiscal Years 1978 - 1982



Legal Activities
Salaries and expenses, Antitrust Division
Priority Rankings

<u>Program</u>	<u>Base Program</u>	<u>Ranking</u>
Termination and prevention of private cartel behavior		1
Competition advocacy		2
Federal appellate activity		3
Preservation of competitive market structure		4
Judgment enforcement		5
Policy analysis, legislation and training		6
Management and administration		7

Legal Activities
Salaries and expenses, Antitrust Division
Detail of Permanent Positions by Category
Fiscal Years 1982 - 1984

Category	1982 Authorized	1983 Authorized	1984	
			Transfer in the Estimates	Total
Attorneys (905).....	374	338	-23	315
General Administration, Clerical and Office Services (300-399).....	272	260	-13	247
Social Sciences, Economics and Kindred (100-199).....	58	46	...	46
Paralegal Specialists (950).....	83	63	-2	61
Other Legal and Kindred (900-998).....	23	16	...	16
Accounting and Budget (500-599).....	8	10	...	10
Safety Management Group (018-085).....	1	1	...	1
Business and Industry Group (1100-1199).....	6	4	...	4
Patent and Trademark Group (1200-1299).....	...	1	...	1
Library and Archives Group (1400-1499).....	1	1	...	1
Mathematics and Statistics Group (1500-1599)...	2	1	...	1
Supply Group (2000-2099).....	1	1	...	1
Total.....	829	742	-38	704
Washington.....	630	547	-38	509
U.S. Field.....	199	195	...	195
Foreign Field.....	...	...	...	...
Total.....	829	742	-38	704

Legal Activities
Salaries and expenses, Antitrust Division
Summary of Adjustments to Base
(Dollars in thousands)

	Perm. Pos.	Work- Years	Amount
1983 as enacted.....	742	726	\$43,389
Supplementals requested:			
Pay increase supplemental requested:			Amount
Increased pay costs.....			\$1,095
Medicare costs.....			199
Amount absorbed.....			-161
Net pay supplemental.....	...	...	1,133
1983 appropriation anticipated	742	726	44,522
Adjustments to base:	-38	-40	-1,681
Transfer to Civil Division for consumer affairs litigation.....	...	...	28
Uncontrollable increases:	...	...	147
Annualization of 1983 pay increase.....	...	...	74
Annualization of Executive Level pay increase.....	...	...	288
Within-grade increases.....	...	...	57
Health benefits costs.....	...	...	2,192
Standard Level User Charges (SLUC).....	...	...	32
GSA recurring reimbursable services.....	...	...	38
Federal Telecommunications System (FTS).....	...	...	26
CSP Telephone rate increase.....	...	...	71
Telephone system line charges.....	...	...	12
Full-field investigations.....	...	...	8
Employee data and payroll services.....	...	...	601
General Pricing Level Adjustment.....	...	...	3,574
Total, uncontrollable increases.....	...	...	...
Decreases:			
One less compensable day.....	...	...	-106
Postal Service redistribution.....	...	...	-86
Nonrecurring cost for change in hourly rate.....	...	...	-73
Nonrecurring decrease for costs associated with 1983 program decrease.....	...	...	-359
Total, decreases.....	-38	-40	-621
1984 Base.....	704	686	45,791

Legal Activities

Salaries and expenses, Antitrust Division

Justification of Adjustments to Base
(Dollars in thousands)

	Perm. Pos.	Work- years	Amount												
Transfer to Civil Division for consumer affairs litigation.....	-38	-40	-\$1,681												
<p>This represents the transfer of consumer affairs activities from the Antitrust Division to the Civil Division in 1984. Associated with the transfer are 22 positions, 21 workyears and \$1,033,000 from the antitrust litigation for consumer protection program; 6 positions, 8 workyears and \$250,000 from the termination and prevention of private cartel behavior program; 7 positions, 8 workyears and \$285,000 from the preservation of competitive market structure program; and 3 positions, 3 workyears and \$113,000 from the management and administration program. Positions and funding from the Antitrust Division's two major litigating programs and management and administration will provide appellate and administrative support for the consumer protection program.</p>															
<u>Uncontrollable increases:</u>															
1. Annualization of 1983 pay increases.....	28												
<p>This provides for annualization of the October 3, 1982, pay increase contained in Executive Order 12387. Of the pay raise requirement of \$621,000, \$28,000 was absorbed in 1983.</p>															
2. Annualization of Executive Level pay increases.....	147												
<p>This provides for the annualization of the January 1, 1983, Executive level pay increase contained in P.L. 97-377. There are 261 compensable days in 1983 and 66 paid days (October 1 through December 31, 1982) not included in the pay raise. Of the pay raise amount of \$311,000, \$44,000 was absorbed. The calculation of the amount required for annualization is:</p>															
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">66/261 X Annual amount of pay raise.....</td><td style="width: 10%; text-align: right;">\$103,000</td><td style="width: 10%;"></td><td style="width: 20%;"></td></tr> <tr> <td>1983 Absorption of pay.....</td><td style="text-align: right;">44,000</td><td></td><td></td></tr> <tr> <td>Total annualization.....</td><td style="text-align: right;">\$147,000</td><td></td><td></td></tr> </table>				66/261 X Annual amount of pay raise.....	\$103,000			1983 Absorption of pay.....	44,000			Total annualization.....	\$147,000		
66/261 X Annual amount of pay raise.....	\$103,000														
1983 Absorption of pay.....	44,000														
Total annualization.....	\$147,000														
3. Annualization of medicare costs.....	74												
<p>This provides for full funding for the 1.3 percent federal share of the Medicare Hospital Insurance Tax to Federal employees as required by P.L. 97-248, the Tax Equity and Fiscal Responsibility Act of 1982. The request of \$74,000 covers the period from October 1 to December 11, 1982, which was not funded in 1983.</p>															

4. Within-grade increases.....	...	\$288
This request provides for an expected increase in the cost of within-grade salary increases. This increase is generally consistent with increases experienced within recent years and is approximately one percent above the base for compensation and related benefits for permanent employment. (Personnel compensation \$23,188,000 and benefits \$2,451,000 = \$25,639,000.)		
5. Health benefits costs.....	...	57
The Federal Employees Health Benefits Act (P.L. 93-246) provides that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. Effective January 1, 1982, the health insurance carriers raised their rates approximately 13 percent. The requested increase of \$57,000 provides for payment of the average rate percent over the \$441,000 now available.		
6. Standard Level User Charges.....	...	2,192
Section 108 of P.L. 97-377, Continuing Resolution for 1983, prohibits agencies from paying the General Services Administration (GSA) a higher rate per square foot for the rental of space and services in 1983 than they paid in 1982. In keeping with the Administration's policy that charges for space shall be consistent with market rates, the request includes \$402,000 to restore cuts made in 1983 and \$1,790,000 for 1984 price level adjustments and the annualization of the 1983 space inventory.		
7. GSA recurring reimbursable services.....	...	32
Payments for heating, ventilation and air conditioning, and guard service over normal requirements are made to GSA on reimbursable basis. An increase of 25 percent in 1984 based on 1983 estimated costs of \$123,000 yields an uncontrollable increase of \$32,000.		
8. Federal Telecommunications System (FTS).....	...	38
The FTS increase reflects the advance billing provided to the Department of Justice by the General Services Administration. In 1984, the uncontrollable increase will be \$38,000 over the 1983 base of \$463,000.		
9. GSP Telephone rate increase.....	...	26
Effective April 21, 1982, the Chesapeake and Potomac Telephone Company was granted a rate increase of 19.6 percent for equipment and installation charges in the Washington metropolitan area. This results in an increase of \$26,000 in 1984.		
10. Telephone system line charges.....	...	71
The cost of providing CENTEX telephone switchboard service to Department users will increase from \$20.10 to \$27.66 per telephone line. A 19.6 percent increase was granted to GSP in 1982, additionally a 30 percent increase is proposed for 1983. An uncontrollable increase of \$71,000 over the 1983 base of \$189,000 is required to cover the higher rates in 1984.		
11. Full-field investigations.....	...	12
The Office of Personnel Management (OPM) has notified users of a \$150 increase in the standard rate charged for each full-field investigation over the 1982 base cost of \$1,300. The uncontrollable increase if calculated on average accession of 80 persons per year for a total cost of \$12,000.		

12. Employee data and payroll services.....	...	...	\$8
Centralized employee data and payroll services are provided to most departmental organizations. Charges for these services which include information systems maintenance and payroll accounting, are based on the number of employees paid. The rate of \$110.00 per employee in 1983 has been raised to \$120.94 for 1984. The uncontrollable increase of \$8,000 is based on 704 authorized positions.			
13. General pricing level adjustment.....	...	...	601
This request applies to OMB pricing guidance as of December 1982 to selected expense categories. The increased costs identified result from applying a factor of 5.3 percent against those sub-object classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, transportation costs and utilities. Excluded from the computation are categories of expense where inflation has already been built into the 1984 estimates.			
Total, uncontrollable increases.....	...	...	3,574
Decreases (automated non-policy):			
1. One less compensable day.....	...	...	-106
2. Postal Service redistribution.....	...	...	-86
The Postal Service has advised the Department that the postage rate is not expected to increase before or during 1984. Although no increase is expected for 1984, some redistribution based on the 1982 mail survey taken by the Department has been made between the offices, boards, and divisions to correctly charge the using organizations. This redistribution will decrease the 1983 charge of \$245,798 by \$86,000.			
3. Nonrecurring cost for change in hourly rate.....	...	...	-73
This provides for an overall pay adjustment that results from a change in the basis for computing pay for General Schedule employees. Currently, General Schedule pay is computed on the basis of 260 workdays or 2,080 hours, although 261 workdays may occur in a calendar year. For 1984 and 1985, section 310 (b)(1) of the Omnibus Reconciliation Act of 1982 requires that pay be computed on the basis of 2,087 workhours. Budget estimates for 1984 reflect this new basis and were calculated as follows:			
	\$21,653,000 X 2080 = \$21,580,000		
	2087 hours		
	\$21,653,000 - \$21,580,000 = \$73,000		
4. Nonrecurring decrease for costs associated with 1983 program decreases.....	...	...	-359
The decrease reflects nonrecurring costs in connection with Congressional action which resulted in a decrease in the 1983 President's Budget Request by \$1,730,000, 47 positions and 44 workyears.			
Total, decreases.....	...	...	-624
Total, adjustments to base.....	-38	-40	1,269

Legal Activities
Salaries and expenses, Antitrust Division
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grade and salary ranges	1983 Estimate		1984 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
Executive Level IV, \$67,200.....	1		1		...	
ES-4, \$63,800.....	23		23		...	
ES-3, \$61,515.....	4		3		-1	
ES-2, \$59,230.....	4		4		...	
ES-1, \$56,945.....	2		2		...	
GS/GA-15, \$48,553-63,800.....	159		154		-5	
GS/GA-14, \$41,277-53,661.....	78		74		-4	
GS/GA-13, \$34,930-45,406.....	67		62		-5	
GS-12, \$29,374-38,185.....	38		34		-4	
GS-11, \$24,508-31,861.....	43		39		-4	
GS-9, \$20,256-26,331.....	51		47		-4	
GS-8, \$18,339-23,838.....	36		35		-1	
GS-7, \$16,559-21,527.....	111		107		-4	
GS-6, \$14,901-19,374.....	54		53		-1	
GS-5, \$13,369-17,383.....	35		33		-2	
GS-4, \$11,949-15,531.....	18		16		-2	
GS-3, \$10,645-13,840.....	13		12		-1	
GS-2, \$9,756-12,278.....	4		4		...	
GS-1, \$8,676-10,857.....	1		1		...	
Total, appropriated positions.....	742	\$25,106	704	\$24,104	-38	-\$1,002
Pay above stated annual rates.....	...	96	...	...	...	-96
Lapses.....	-77	-2,497	-75	-2,451	2	46
Net savings due to lower pay scales for part of year.....	...	-105	...	...	...	105
Net permanent.....	665	22,600	629	21,653	-36	-947

Legal Activities
Salaries and expenses, Antitrust Division
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1983 Estimate		1984 Estimate		Increase/Decrease Workyears Amount
	Workyears	Amount	Workyears	Amount	
11.1 Full-time permanent.....	665	\$22,600	629	\$21,653	-36 -8947
11.3 Other than full-time permanent:					
Part-time permanent.....	23	543	23	543	... ...
Temporary employment.....	33	644	29	554	-4 -90
Other part-time and intermittent employment.....	5	96	5	96	... ...
11.5 Other personnel compensation:					
Overtime.....	7	196	7	195	... -1
Other compensation.....	...	20	...	20	... ...
11.8 Special personal services payments	...	127	...	127	... ...
Total, workyears and personnel compensation.....	733	24,226	693	23,188	-40 -1,038
12 Personnel benefits.....		2,411		2,451	40
13 Benefits for former personnel.....		40		39	-1
21 Travel and transportation of persons		1,264		1,173	-91
22 Transportation of things.....		169		185	16
23.1 Standard Level User Charges.....		2,928		5,020	2,092
23.2 Communications, utilities and other rent.....		2,573		2,607	34
24 Printing and reproduction.....		476		466	-10
25 Other services.....		9,493		9,703	210
26 Supplies and materials.....		521		540	19
31 Equipment.....		421		419	-2
Total obligations.....		44,522		45,791	1,269
Relation of obligations to outlays:					
Obligated balance, start-of-year.....		7,457		8,107	650
Obligated balance, end-of-year.....		-8,107		-8,796	-689
Outlays.....		43,872		45,102	1,230

GENERAL STATEMENT

Mr. DWYER. We are pleased to have with us again this year William F. Baxter, Assistant Attorney General, Antitrust Division, to present this request to the Committee.

You have a prepared statement, Mr. Baxter. You can proceed as you see fit.

Mr. BAXTER. Thank you, Mr. Chairman. I appreciate the opportunity to meet with you again this year. As you have already noted, we are requesting for 1984 a budget of \$45,791,000 and 704 positions.

During 1984 a portion of the Antitrust Division, known as the Consumer Affairs Section, will be transferred from the Antitrust Division to the Civil Division. That transfer involves 38 positions and \$1,681,000 in funding. The division, of course, will encounter a number of uncontrollable cost increases during the year. Netting out the transfer of the Consumer Affairs Section from those uncontrollable expenses, we are asking for a net increase in the amount of \$1,269,000 to maintain current operating levels.

Major items in those uncontrollable increases are, of course, the Standard Level User Charge and the recent pay increases. No programmatic changes, either up or down, are reflected in the budget we have submitted this year. That, in very brief summary, is the situation, Mr. Chairman. I think I will stop there.

[The prepared statement of Mr. Baxter follows:]

STATEMENT OF THE ASSISTANT ATTORNEY GENERAL, WILLIAM F. BAXTER, ANTITRUST DIVISION

Mr. Chairman and members of the subcommittee, I appreciate the opportunity to appear in support of the Antitrust Division's budget request for fiscal year 1984 of \$45,791,000, 704 positions and 686 workyears. The budget request provides for the following major items:

1. The transfer of the Antitrust litigation for consumer protection program to the Department of Justice's Civil Division is reflected in this request. The transfer involves 38 permanent positions, 40 workyears and \$1,681,000.

2. Adjusting for the transfer, a net increase in the amount of \$1,269,000 is required to maintain current operating levels. Major items included in this category are annualization of the 1983 pay increase and Standard Level User Charges. No program changes, either increase or decrease, are requested in 1984.

This concludes my statement, Mr. Chairman. I will be happy to answer any questions you or other members of the subcommittee may have.

CONSUMER AFFAIRS TRANSFER

Mr. DWYER. Has the transfer you referred to been completed now?

Mr. BAXTER. My understanding is the transfer still must be approved by the Congress.

Mr. DWYER. What is the status of that?

Mr. BAXTER. The status is that, as an administrative matter, they have been transferred and are currently being supervised by the Assistant Attorney General for the Civil Division, but that that is an unofficial move, and it can't be made official until the Congress approves the shift in budget authority.

Mr. ROONEY. Mr. Chairman, if I may, Chairman Smith has written to us and approved implementation of the reorganization in this fiscal year.

Mr. DWYER. Why do you believe that the antitrust litigation for consumer protection should be carried out in the Civil Division? What is the thinking on that?

Mr. BAXTER. The Justice Department, through various divisions, represents in the Federal courts a large number of agencies around town. The Civil Division is probably the division that does most of that sort of thing. The Antitrust Division has no representational function of other agencies except for that represented by the Consumer Affairs Section, which had historically been created within the Antitrust Division for reasons that I am not sure I can recall completely. But, in some sense, it did represent a historical anomaly, so that it is now housed in the Civil Division with a group of other sections who have as their regular, indeed their principal, function the representation of other agencies of government. Now that that section has been transferred, we have no such function.

Mr. DWYER. The justification does not reflect any workload increase for fiscal 1984.

Mr. BAXTER. That is right.

Mr. DWYER. Is it anticipated it will be exactly the same as 1983?

Mr. BAXTER. There is always a great deal of variance. In looking at those numbers today, I saw that the number of cases that we have is somewhat above historical averages. On the other hand, a number of them are relatively simple cases. They don't involve the big, complex structural inquiries, so that the case numbers alone don't tell you everything you want to know.

But we don't expect any general change in the level of activity, although, of course, one can never tell. One big complex case comes along and can make a very substantial impact on our budget, but within the limits of our ability to foresee, we foresee activity almost comparable to what we have had this year.

Mr. DWYER. How many new cases did the Division initiate in fiscal year 1982, and how does that number compare with fiscal year 1981?

Mr. BAXTER. I have all of those numbers right here, Mr. Chairman. We filed 112 cases last year, which was an increase of 16 over 1981 when there were 96 new antitrust cases filed. That, in turn, was an increase of 13 over the year 1980 when there were 83 cases filed.

Mr. DWYER. Would you provide a list of the cases that you initiated in fiscal year 1982, for the record, both in the civil and criminal areas, and also provide a short description of each.

Mr. BAXTER. Yes. We have that type of listing completed and at our fingertips, and we would be happy to do that.

[The information follows:]

ANTITRUST CASES INSTITUTED OCTOBER 1, 1981 THRU SEPTEMBER 30, 1982

<u>Blue Book</u>	<u>Title of Case</u>	<u>Industry or Commodity</u>	<u>Filed</u>
	United States v.		
2904	Basic Construction Company, et al. Cr. E.D. Va.	Roadway Construction	10/13/81
2905	Baltimore and Ohio Railroad Company, Inc., et al. Cr. D. D.C.	Movement of Iron Ore	10/13/81
2906	Johnson Brothers Utility and Paving Company, Inc., et al. Cr. E.D. N.C.	Highway Construction Project	10/14/81
2907	Logan Paving Company, et al. Cr. N.D. Ga.	Highway Construction Project	10/21/81
2908	Siebert Sand Co., Inc., et al. Cr. D. Kan.	Highway Construction Project	10/27/81
2909	Rhoades Construction Co., Inc., et al. Cr. D. Kan.	Highway Construction Projects	11/17/81
2910	Broce Construction Co., Inc., et al. Cr. D. Kan.	Highway Construction Project	11/17/81
2911	Allen Inc., et al. Cr. E.D. N.C.	Highway Construction (Grading and Paving Projects)	11/18/81
2912	Concrete Service Company of Jacksonville, et al. Cr. E.D. N.C.	Highway Construction Project	11/18/81

<u>Blue Book</u>	<u>Title of Case</u>	<u>Industry or Commodity</u>	<u>Filed</u>
	United States v.		
2913	Edisto Asphalt Incorporated, et al. Cr. D. S.C.	Highway Construction Project	11/19/81
2914	W.D. Turner Construction Company, et al. Cr. W.D. Texas	Highway Construction Project	11/20/81
2915	Charles H. Schmidt Cr. W.D. Texas	Highway Construction Business	11/20/81
2916	Hulon A. Wall Cr. W.D. Texas	Highway Construction Industry	11/20/81
2917	Schwoppe Inc., et al. Cr. W.D. Texas	Highway Construction Project	11/20/81
2918	Young Brothers Inc., et al. Cr. W.D. Texas	Highway Construction Project	11/20/81
2919	Schwabe & Mikes Paving Company Cr. S.D. Texas	Highway Construction Project	12/3/81
2920	J.H. Shears' Sons, Inc., et al. Cr. D. Kan.	Highway Construction Projects	12/7/81
2921	John L. Guinn & Company, et al. Cr. N.D. Texas	AMTRAK Construction and Servicing Contracts	12/8/81
2922	Robert E. Colgate, et al. Cr. E.D. N.C.	Highway Construction Projects	12/17/81
2923	J.F. Cleckley & Company, et al. Cr. D. S.C.	Surface Treatment Work	12/17/81

<u>Blue Book</u>	<u>Title of Case</u>	<u>Industry or Commodity</u>	<u>Filed</u>
	United States v.		
2924	American Maize-Products Company, et al. Civ. M.D. Fla.	Cigars	12/22/81
2925	RMI Company, et al. Civ. E.D. N.Y.	Titanium Mill Products	12/30/81
2926	William Hendryx Cr. D. Kan.	Highway Construction Project	1/12/82
2927	James Baldwin Cr. D. Kan.	Highway Construction Project	1/12/82
2928	Brown & Brown Inc., et al. Cr. D. Kan.	Highway Construction Projects	1/12/82
2929	Missouri Valley Construction Co., et al. Cr. D. Neb.	Highway Construction Projects	1/14/82
2930	Thompson Contractors Inc., et al. Cr. E.D. N.C.	Highway Construction Project	1/27/82
2931	Ray C. Broce, et al. Cr. D. Kan.	Highway Construction Project	2/4/82
2932	Beachner Construction Company, Inc., et al. Cr. D. Kan.	Highway Construction Project	2/4/82
2933	Hockaday Truck Brokerage, et al. Cr. S.D. Fla.	Transportation of Fresh Tomatoes	2/10/82
2934	Dixie Asphalt Co., et al., Cr. N.D. Fla.	Highway Construction Projects	2/12/82

Blue Book	Title of Case	Industry or Commodity	Filed
	United States v.		
2935	Central State Bank, et al. Civ. W.D. Mich.	Commercial Banking	2/17/82
2936	All Coast Fishermen's Marketing Association, Inc. Civ. D. Ore.	Seafood	2/19/82
2937	Baldwin-United Corporation, et al. Civ. S.D. Ohio	Private Mortgage Guarantee Insurance	2/22/82
2938	Ballengier Corporation, et al. Cr. E.D. Va.	Airport Runway Construction	2/23/82
2939	Moore Brothers Company Incorporated, et al. Cr. E.D. Va.	Asphalt Paving Projects	2/23/82
2940	C.W. Matthews Contracting Co., Inc., et al. Cr. E.D. N.C.	Highway Construction Projects	2/24/82
2941	Ashland-Warren, Inc. ("Asheville Division") Cr. E.D. N.C.	Highway Construction Projects	2/24/82
2942	Ashland-Warren, Inc. ("Barrus Construction") Cr. E.D. N.C.	Highway Construction Projects	2/24/82
2943	Ashland-Warren, Inc. ("Thompson-Arthur") Cr. E.D. N.C.	Highway Construction Projects	2/24/82
2944	Andover Corporation, et al. Cr. W.D. Texas	Highway Construction Projects	2/26/82

<u>Blue Book</u>	<u>Title of Case</u>	<u>Industry or Commodity</u>	<u>Filed</u>
	United States v.		
2945	Virginia National Bankshares Inc., et al. Civ. W.D. Va.	Commercial Banking	2/26/82
2946	Robert T. Beachner Cr. D. Kan.	Highway Construction Project	3/2/82
2947	Gerald G. Ricks, et al. Cr. W.D. Texas	Highway Construction Project	3/3/82
2948	Dickerson, Inc. Cr. N.D. Fla.	Highway Construction Project	3/9/82
2949	Wm. Anderson Company, Inc., et al. Cr. D. Neb.	Highway Construction Project	3/11/82
2950	W.A. Biba Engineering Co., et al. Cr. D. Neb.	Highway Construction Project	3/11/82
2951	Constructors, Inc., et al. Cr. D. Neb.	Highway Construction Project	3/11/82
2952	Dobson Brothers Construction Company, et al. Cr. D. Neb.	Highway Construction Project	3/11/82
2953	Paulsen Building & Supply, Inc., et al. Cr. D. Neb.	Highway Construction Project	3/11/82
2954	Metro Pavers, Inc., et al. Cr. D. Neb.	Highway Construction Project	3/12/82
2955	Raynolds-Land, Inc. Cr. E.D. Texas	Highway Construction Projects	3/15/82

<u>Blue Book</u>	<u>Title of Case</u>	<u>Industry or Commodity</u>	<u>Filed</u>
	United States v.		
2956	E.W. Hable & Sons, Inc. Cr. E.D. Texas	Highway Construction Projects	3/15/82
2957	Arthur A. Price, et al. Cr. W.D. Texas	Highway Construction Business	3/19/82
2958	Francis M. Young Cr. W.D. Texas	Highway Construction Project	3/19/82
2959	W.A. McKenzie Asphalt Company, et al. Cr. W.D. Texas	Highway Construction Projects	3/19/82
2960	Lattimore Materials Company Cr. W.D. Texas	Highway Construction Project	3/22/82
2961	Dixcon Corporation Cr. W.D. Texas	Highway Construction Project	3/22/82
2962	**American Technical Industries, Inc., et al. Civ. M.D. Pa.	Artificial Christmas Trees	3/22/82
2963	Harry M. Mims, Jr. Cr. D. S.C.	Highway Construction Project	3/23/82
2964	H and M, Inc., et al. Cr. M.D. Pa.	Motopaving Work	3/24/82
2965	Hall Brothers Construction Co., Inc., et al. Cr. D. Kan.	Highway Construction Project	4/6/82

**Contempt

<u>Blue Book</u>	<u>Title of Case</u>	<u>Industry or Commodity</u>	<u>Filed</u>
	United States v.		
2966	Werner Construction Inc., et al. Cr. D. Neb.	Highway Construction Projects	4/8/82
2967	Nider-Jergensen Construction Company, et al. Cr. D. Neb.	Highway Construction Projects	4/8/82
2968	Ashland-Warren, Inc. Civ. E.D. N.C.	Highway Construction Projects	4/8/82
2969	The Stroh Brewery Company Civ. D. D.C.	Beer	4/16/82
2970	Jim Smith Contracting Company, Inc., et al. Cr. W.D. Ky.	Highway Construction Project	4/21/82
2971	ARA Services, Inc., et al. Civ. S.D. Ohio	Textile Rental Services	4/26/82
2972	Ernest C. Csarnecki Cr. E.D. Va.	Plant Mix Schedule Work	4/29/82
2973	Newton Asphalt Company, Incorporated of Va. Cr. E.D. Va.	Plant Mix Schedule Work	4/29/82
2974	Peter W. Herring Cr. E.D. Va.	Plant Mix Schedule Work	4/29/82
2975	Samuel B. Bartlett, III Cr. E.D. Va.	Plant Mix Schedule Work	4/29/82
2976	Patrick C. Wilbourn Cr. E.D. Va.	Plant Mix Schedule Work	4/29/82

Blue Book	Title of Case	Industry or Commodity	Filed
	United States v.		
2977	C.W. Matthews Contracting Co., Inc., et al. Cr. N.D. Ga.	Highway Construction Project	5/7/82
2978	Crowder Construction Co., et al. Cr. W.D. N.C.	Utility Construction Project	5/11/82
2979	E. Stewart Mitchell, Inc., et al. Cr. E.D. Va.	Plant Mix Schedule Work Projects	5/12/82
2980	Sloan Construction Company, Inc., et al. Cr. D. S.C.	Highway Construction Projects	5/21/82
2981	Dan P. Shepherd Cr. N.D. Ga.	Highway Construction Projects	5/25/82
2982	Shepherd Construction Company, Inc., et al. Cr. N.D. Ga.	Highway Construction Projects	5/25/82
2983	Tribune Company, et al. Civ. M.D. Fla.	Local Advertising/ Local Print Advertising	5/26/82
2984	James E. Simon Company, Inc., et al. Cr. D. Neb.	Highway Construction Projects	5/27/82
2985	Stannard Construction Co., Inc., et al. Cr. D. Neb.	Highway Construction Project	5/28/82
2986	Irving F. Jensen Company, Inc., et al. Cr. D. Neb.	Highway Construction Project	5/28/82

<u>Blue Book</u>	<u>Title of Case</u>	<u>Industry or Commodity</u>	<u>Filed</u>
	United States v.		
2987	Joe Richards, Inc., et al. Cr. W.D. Texas	Highway Construction Projects	6/4/82
2988	Danilow Pastry Co., Inc., et al. Cr. S.D. N.Y.	Pastry	6/4/82
2989	Danilow Pastry Co., Inc., et al. Civ. S.D. N.Y.	Pastry	6/4/82
2990	Dixie Asphalt Co., et al. Cr. N.D. Fla.	Highway Construction Project	6/4/82
2991	Newell Companies, Inc. Civ. D. Conn.	Drapery Hardware	6/14/82
2992	John V. Glazebrook, Jr. Cr. E.D. Va.	Highway Construction Projects	6/15/82
2993	Tri-County Asphalt Company, Inc. Cr. E.D. Va.	Plant Mix Schedule Work Contracts	6/24/82
2994	E. Stewart Mitchell, Inc. Cr. D. Md.	Highway Construction Project	6/28/82
2995	Harold A. Pickens & Sons, Inc. Cr. D. S.C.	Highway Construction Projects	6/28/82
2996	Pan-Alaska Fisheries, Inc., et al. W.D. Wash. Civ. W.D. Wash.	Raw Crabs	6/30/82
2997	C. Itoh & Co., Ltd., et al. Civ. W.D. Wash.	Tanner Crab	6/30/82

Blue Book	Title of Case	Industry or Commodity	Filed
	United States v.		
2998	Del Norte Fishermen's Marketing Association, Inc. Civ. N.D. Calif.	Seafood	7/6/82
2999	Metropolitan Enterprises, Inc., et al. Cr. W.D. Okla.	Highway Construction Projects	7/7/82
3000	Society of Authors' Representatives Civ. S.D. N.Y.	Commissions and Other Fees	7/8/82
3001	Geo. M. Myers, Inc., et al. Cr. D. Kan.	Highway Construction Projects	7/9/82
3002	Gladen Excavating, Inc. Cr. D. Kan.	Highway Construction Projects	7/9/82
3003	Jack A. Mansergh Cr. E.D. Va.	Highway Construction Project	7/23/82
3004	Des Moines Asphalt & Paving Company, et al. Cr. S.D. Iowa	Highway Construction Project	7/23/82
3005	Coffee Construction Company, et al. Cr. N.D. Ga.	Highway Construction Project	7/26/82
3006	Robert P. Levinson Cr. N.D. Fla.	Highway Construction Project	7/29/82
3007	American Brands, Inc. Civ. S.D. N.Y.	Home and Office Staplers	8/2/82

<u>Blue Book</u>	<u>Title of Case</u>	<u>Industry or Commodity</u>	<u>Filed</u>
	United States v.		
3008	J.W. Allen Construction Company Cr. N.D. Fla.	Highway Construction Project	8/11/82
3009	Shepherd Construction Co., Inc. Cr. D. S.C.	Highway Construction Project	8/25/82
3010	Tugalo Construction Company, Inc., et al. Cr. N.D. Ga.	Highway Construction Project	8/30/82
3011	Pittman Highway Contracting Company, Inc., et al. Cr. N.D. Ga.	Highway Construction Project	9/8/82
3012	Knox-Rivers Construction Company, et al. Cr. N.D. Ga.	Highway Construction Project	9/10/82
3013	Hill Construction Co., Inc., et al. Cr. N.D. Ga.	Highway Construction Projects	9/15/82
3014	Southwestern Contracting Company Cr. N.D. Texas	Highway Construction Project	9/15/82
3015	Graves Construction Co., Inc., et al. Cr. D. Neb.	Highway Construction Project	9/16/82

U.S. V. AMERICAN TELEPHONE AND TELEGRAPH, ET AL.

Mr. DWYER. And the AT&T case; last year you told the Committee you would be monitoring a divestiture of a group of operating companies from AT&T with aggregate assets of about \$80 billion. What is the status of this divestiture, and how long do you anticipate it will take?

Mr. BAXTER. The status at the present time is that the judge has approved, with minor modifications, the settlement arrangement that we reached with AT&T in early 1981. There were extensive hearings and opportunities for public comments prior to his entering that order, which he did enter in the late summer or autumn of last year.

Since that time, we have been working with the AT&T Company, supervising the actual distribution of assets and corporate reorganization. The AT&T Company, with the consent decree, will be separated essentially into a regulated telephone function and the competitive activities of the enterprise which comprise all its other functions. The telephone function will be distributed among 22 operating companies, which, in turn, will be organized into seven regional companies. All that corporate structure is in place.

The distribution of assets among the functions is largely worked out. A few things remain to be resolved, some problems as to access charge levels and the use of the Bell name. It is by no means tied up with a ribbon, but it is coming along quite well.

The scheduled date for the legal execution of all this, when in the twinkling of a legal eye it turns into this very different looking enterprise, is the first of the year 1984. At this time, we don't have any reason to think that we can't make that date.

Mr. DWYER. How many positions and what funds are allocated to this monitoring operation?

Mr. BAXTER. I would not be able to give you some official number that I recall seeing in these papers, Mr. Chairman, but there is one group of about a dozen lawyers working under the supervision of one of my deputies. So I would say there are approximately 8 to 10 lawyers, which probably implies about 15 to 20 staff people, altogether, who are spending a major part of their time on that corporate reorganization.

Mr. DWYER. Perhaps you can supply for the record the amount of funds that are involved?

Mr. BAXTER. I will be happy to do that.

[The information follows:]

COST AND ALLOCATION OF RESOURCES AT&T CASE

The agreement to settlement of the AT&T case was announced on January 8, 1982. Since that time, approximately \$1.6 million was spent in fiscal year 1982 and approximately \$200 thousand to date in fiscal year 1983 related to the various aspects of this settlement.

FIELD OFFICE CLOSINGS

Mr. DWYER. Last year you closed the Los Angeles field office of the Antitrust Division. Has this closure caused any substantial problems to the public or to the Justice Department in the handling of antitrust cases in southern California?

Mr. BAXTER. It certainly has not caused any problem for the Justice Department. The functions of the Los Angeles office were transferred to San Francisco. California was the only state in which we ever had two field offices, and there still is one in San Francisco. So the trade-off, as is always true with field offices, is with a little bit more travel expenses, since lawyers now have to travel from San Francisco to Los Angeles, where they would not have had to travel before. On the other hand, we have achieved consolidation, saving of office space among other things. Exactly which approach turns out really to be more economical and cost effective in any particular city is not a matter about which I think it is possible to generalize very well.

Mr. DWYER. Are you planning to close any of your other field offices?

Mr. BAXTER. Closing a field office is always a possibility. There is unofficially under consideration at the present time, a plan to transfer staff from the Antitrust Division to the U.S. Attorney's Offices, which are under a great deal of pressure. Certainly, if that transfer goes ahead, then closing a field office would be a highly likely way to achieve that operation.

Mr. DWYER. Do you have an office in mind at the present time?

Mr. BAXTER. I think the most likely office is the Cleveland office.

HART-SCOTT-RODINO MERGER NOTIFICATION

Mr. DWYER. Last year you told the Committee that you were giving some consideration to whether the regulations governing the nature of the initial filing under the present merger notification requirements of the Hart-Scott-Rodino Antitrust Improvements Act might be changed to simplify the reporting requirements. Have these changes been implemented, and, if so, what has been the result?

Mr. BAXTER. No, they have not been implemented, Mr. Chairman. We have discussed that with the Federal Trade Commission, who, together with the Antitrust Division, of course, administer that law. I think, as a matter of principle, there is agreement about the general nature of the changes that would be desirable. But, in fact, we have not done anything official about it.

Mr. DWYER. You also told the Committee last year that you were giving consideration to changing the dollar levels with respect to whether a proposed merger would come under the notification requirements of the Act. Have you implemented this proposal, and, if so, what were the changes and what has been the result?

Mr. BAXTER. The answer is the same. Indeed, I was thinking of that kind of change as part and parcel of the other, and the answer is the same. We talked about it. I think there is general agreement as to the nature of the changes, but no specific changes have been made.

AMICUS CURIAE BRIEFS FILED

Mr. DWYER. Last year you also told this Committee that the Division had filed some amicus curiae briefs on behalf of defendants in private antitrust cases. For how many private antitrust cases has the

Division filed amicus curiae briefs since our hearing one year ago, and can you summarize the reasons for intervening in such cases?

Mr. BAXTER. Again, I can't give you a precise number, Mr. Chairman. I would be happy to supply a number. My offhand feeling is that the number would be somewhere on the order of 15 to 20. I would say there are really two distinguishable reasons. Quite frequently, the Supreme Court, by order, will request our views in cases in which the Court has granted certiorari, and, of course, that is a request we never refuse. That is a category of amicus briefs that should be put to one side.

Quite apart from those requested expressions of views, we have been attempting to identify and to file amicus briefs in cases where we think there is a particular opportunity for a twist, a new development, in legal doctrine. Wherever such an opportunity exists, the outcome may be a very good outcome or a very bad outcome, depending exactly on the nature of that twist. Our attempt is to identify cases where the opportunity for significant doctrinal development exists, and to attempt to file briefs that assure to the best of our ability that the Court finds its way to the doctrinal development that is really likely to intensify competition rather than the converse.

[The following information was subsequently provided:]

AMICUS BRIEFS FILED

During fiscal year 1982 the Antitrust Division filed 14 amicus briefs; so far in fiscal year 1983, the Division has filed 10 briefs. They are as follows:

FISCAL YEAR 1982

Court of Appeals

Francis Ford, Inc. v. FTC.
Gweldon Paschall v. The Kansas City Star.
State of North Carolina v. P.I.A. Asheville, Inc.
Stop & Save Food Markets v. Pneumo.
Stanley McDonald v. Johnson & Johnson.

Supreme Court

Inwood Laboratories, Inc. v. Ives.
American Society of Mechanical Engineers, Inc. v. Hydrolevel.
Weit v. Continental Illinois National Bank.
SCM Corporation v. Xerox.
Falls City Industries, Inc. v. Vanco Beverage, Inc.
Union Labor Life Insurance Co. v. Pireno.
Weyerhaeuser Co. v. Lyman Lamb Co.
Larry Muko v. Southwestern Pennsylvania Building and Construction Trades Council.
Associated General Contractors of California v. California State Council of Carpenters.

FISCAL YEAR 1983

Court of Appeals

Jeffery B. Battle v. The Lubrizol Corp.
The Board of Regents of the University of Oklahoma, et al. v. NCAA.
General Cinema Corporation v. Buena Vista Distribution Co., Inc.
Gweldon Paschall v. The Kansas City Star.
Bell & Howell: Mamiya Co. v. Masel Supply Co.

Supreme Court

AT&T v. Phonetele, Inc.
Union Electric Co. v. Home Placement Service.

Monsanto Co. v. Spray-Rite Service Corp.
Jefferson Parish Hospital, District No. 2, East Jefferson Hospital Board v. Edwin G. Hyde.

RESALE PRICE MAINTENANCE

Mr. DWYER. Mr. Porter.

Mr. PORTER. Thank you, Mr. Chairman.

Mr. Baxter, there have been some allegations regarding retail price maintenance agreements, which I believe are in violation of the Sherman Act, that your division is not enforcing the law in that regard, and I wonder if you could explain whether or not you are, and if you are not, why not?

Mr. BAXTER. That is a very simple question that involves an enormously complex body of factual situations and cases. If the proposition is, as it is often stated, simply a notion that we don't think there is ever anything wrong with resale price maintenance and aren't really going to bring any cases in that area at all, then it simply is wrong. There are a wide variety of circumstances under which resale price maintenance would, in our view, be harmful and ought to be prosecuted. There are, however, a number of circumstances under which it is impossible to imagine that resale price maintenance would cause any economic or social harm, or loss.

Now, the Supreme Court and lower courts have said in a variety of cases that resale price maintenance is unlawful per se. Exactly what that means is open to some dispute, but, in general, it means that it is to be regarded as unlawful without regard to the circumstances under which it occurs. This suggests that it is unlawful where it could not possibly be supposed to be harmful as well as in the many circumstances where it might very well be harmful. Thus the dispute to which you allude is really a dispute about whether the Justice Department has some sort of legal obligation not to exercise discretion in using its enforcement resources, to put on blinders as to whether one thinks anything economically or socially harmful is occurring, and enforce every such case that comes across the screen. The other side is that the department has a discretionary control over its resources so that it is able to say, well, here is a case in which we really think we may be doing some harm if we do not act, so we will bring that case; here is a case in which it could conceivably not do any harm, so we won't bring that case. We have been taking the latter position and there are people who think we shouldn't be doing that.

Mr. PORTER. If the Supreme Court says that it is unlawful per se, that is the law of the land?

Mr. BAXTER. No question about it.

Mr. PORTER. And as a member of the executive branch of our government you are charged with the responsibility of enforcing the laws; am I not correct?

Mr. BAXTER. As you put it, it seems very, very simple and uncontroversial.

CASES PROSECUTED IN THE RESALE PRICE MAINTENANCE AREA

Mr. PORTER. How many cases have you prosecuted in this area in the last year?

Mr. BAXTER. We have prosecuted none, despite my urging the staff to try to find some, because it would, I think, do a great deal to clarify this issue. Neither am I aware of the existence of any in this other category which we haven't prosecuted.

One of the reasons why it seems to me quite appropriate for us to husband our resources for cases where we think the behavior involved is harming someone is the fact that over 90 percent of all antitrust cases are brought by private parties. This is an area where private enforcement is relatively simple and quite effective. Because private enforcement is relatively simple and quite effective, it is not really surprising that there are not a number of these cases wandering around. So, the debate, in my view, in terms of actual enforcement implications, is something of a tempest in a teapot. Because there are very few of these cases out there in the first place for us either to prosecute or not to prosecute, due to the fact that private enforcement is so simple and so effective in that particular area.

Mr. PORTER. Except for two things: one is that the resources available to a small private retailer aren't anywhere near the resources available to the United States Government, and, secondly, that retailer has to exist in a marketplace and has to buy from various sources, and has to maintain a relationship with those sources that lawsuits don't tend to make very good. How many cases have you prosecuted in this area in the last three years? Any?

Mr. BAXTER. You mean since I came?

Mr. PORTER. Since you came.

Mr. BAXTER. I have not initiated any cases in this area.

Mr. PORTER. A prosecutor, in my understanding of this ethic, if you want to call it that, has discretion to prosecute only certain cases, but I don't think a prosecutor has discretion to take a whole class of cases and simply ignore them and say, "I don't agree with the law as the Supreme Court and the Congress has written it, and therefore my philosophy is going to prevail and I am going to prosecute nothing."

That seems to me beyond the discretion that any prosecutorial authority allows. It seems to me whether you agree with the law or whether you don't agree with the law, when you are in the job—and this is the same issue we are looking at with the EPA and why Anne Burford is gone—you have got to carry out the law as the Congress wrote it, and as the Supreme Court interprets it, and not what you think it ought to be. Doesn't that make sense to you?

Mr. BAXTER. As the Congress wrote it and as the Supreme Court interpreted it are themselves two very different things.

Mr. PORTER. In your judgment. But the bottom line is the Supreme Court has said in this area the law is this. It is a violation per se. Whether there is any economic damage or social harm involved, per se, it is a violation.

Mr. BAXTER. That is what they have said.

Mr. PORTER. And it seems to me that when they say that the responsibility falls right on your shoulders, "Okay, I may disagree

with the law and may want to change the law, but the law is the law and I have got to carry it out."

Mr. BAXTER. And how many resources are necessary to do that?

Mr. PORTER. But zero cases indicates something entirely different than 15 cases or 30 cases. Zero cases indicates you don't want to do it because you don't like it.

Mr. BAXTER. No, that isn't true. Zero cases in this instance indicates that private enforcement is very simple and very effective.

GTE-SYLVANIA CASE

Mr. PORTER. I myself feel, and certainly you are the expert and I am not, but it seems to me in this area, in which in my mind the Supreme Court is correct, when the consumer is cutoff from the competition in the marketplace to get the lowest possible price, because it is fixed somewhere else by an agreement between the final seller and the manufacturer, there is social harm in every case.

That lowest price can't be obtained, and that is the whole nature of our economic system to do through competition the best job for the consumer, and the best job for industry.

Mr. BAXTER. That would suggest that patent infringement is also a highly desirable activity because that, too, always results in low prices in the short run although it raises havoc with longrun investment.

Mr. PORTER. What is to be protected by price maintenance? I understand what is to be protected by patents, but why price maintenance?

Mr. BAXTER. The things to be protected by price maintenance are different kinds of promotional activities at the distributor level which are susceptible to free-riding effects that will not occur if—

Mr. PORTER. Explain this more because I don't know what you mean. Give an example.

Mr. BAXTER. In the *GTE-Sylvania* case which went to the Supreme Court, a particular kind of restriction on competition between distributors was developed. The manufacturer told the distributor that he could only sell the product from a given geographic location and that he couldn't open new outlets and send some merchandise and open a new store over on the east side of town.

The purpose of restricting competition between different sellers of Sylvania television sets, which was what was involved in that case, was to encourage each distributor to engage in promotional activities with respect to Sylvania television sets, taking ads in local newspapers, maybe spot broadcasting on radio, and so forth.

If there are five sellers of Sylvania television sets in a given city, then no one of them has very much incentive to engage in advertising for Sylvania television sets because 80 percent of the benefits of the increased demand that results from that advertising would accrue to his rival four sellers in town.

Now, Sylvania might have done very much the same thing by saying, "Don't sell Sylvania sets for less than \$200," for example. That would be a different way to restrict competition between his distributors. He would be restricting price competition between his

distributors rather than carving out isolated territories. The economic effects of both arrangements are very much the same.

Under a system where the Sylvania company had fixed the price at which its distributors could resell Sylvania television sets, they would again have strong promotional incentives, because it would be an attractive price at which to sell television sets and to engage in other kinds of promotional activities in an attempt to get a larger market share, so they would engage in advertising. They might take spot advertising on radio or they might hire more experienced sales forces to explain the features of Sylvania television sets in the store, and so forth. From a functional standpoint, there is no difference, whatsoever, between resale price maintenance and so-called nonprice restrictions on intrabrand competition.

Now, the Supreme Court, in a very sophisticated opinion in the *GTE-Sylvania* case, explained all this very nicely as to nonprice restrictions. But, the opinion at least raises doubt as to whether what it was saying applied to price restrictions as well as to nonprice restrictions. Since that time, there have been indications from the Supreme Court that it did not intend to embrace price restrictions as well as nonprice restrictions in its *GTE Sylvania* decision, although it has not explained why it didn't or what it thinks is different about the two.

Because of those later indications, I take no exception to your proposition that the Supreme Court held, and continues to hold, that resale price maintenance per se. I think that is a fair characterization of the state of the law. Nevertheless, it is a peculiar state of the law because the Supreme Court has not given any kind of a reasoned explanation as to why it thinks resale price maintenance should be illegal since *GTE-Sylvania* was decided. It has given very detailed, careful and thoughtful explanations as to why it thinks nonprice restrictions should be lawful, at least under some circumstances, but there is this strange tension between the Supreme Court cases.

Until we can get the Supreme Court explicitly to address itself to that issue, we won't really know what the Court thinks about the relationship between these different practices. Anyway, that is why I say that no economic particular harm results from resale price maintenance in the great majority of situations in which it appears.

Now, the consequence of being able to use either price or non-price restrictions is that it is a way of inducing your distributors, and retailers, to engage in different forms of competition other than price competition. Price competition is not the only kind of competition. In a longer run view, it makes a difference whether you can get your distributors to sell the products you manufacture the way you want them to sell them, or whether despite any effort to reach agreement between you and your distributors, your distributors have a legal right to say that they can distribute the goods you manufacture any way they please, and without regard to what you think about it.

If the manufacturer is in a position to bargain with his distributors, and can influence the way the distributors are going to sell his goods, then he has an incentive to invent and develop certain kinds of complex goods that could profitably be sold under a regime

where he can bargain with his distributors, but cannot profitably be sold under a regime where he cannot bargain.

In the long run, resale price maintenance is analogous to the patent system, although it eliminates rivalry between people who would now like to practice the invention that is covered by the patent, it feeds back in the long run into the investment process and the kinds of goods that will be developed over the years. So, far from resale price maintenance being socially harmful, in all circumstances, there are some industrial circumstances, not all—under which a refusal to allow resale price maintenance is actually economically harmful.

MONSANTO CASE

Mr. PORTER. If I may say so once again, however, it seems to me that what you are doing, and you may have very sound reasons in your own mind for doing so, you are saying the Supreme Court basically has not taken all the factors into account, it has come to a wrong decision, and since you don't agree with what they have done, you are going to carry out the law in the way that you think it ought to be written instead of the way that they say it is written. I don't think you have that discretion.

Mr. BAXTER. I understand.

Mr. PORTER. As an official of the executive branch of this government, or any other government, I don't think you have that discretion. Beyond that, I understand now that your Division has gone to the court in the *Monsanto Chemical* case to try to upset the law in terms of taking the case that you have just espoused, and presenting that in an amicus brief to the court as being what the law ought to be. I am not saying there is anything wrong with that, but why don't you explain that?

Mr. BAXTER. The *Monsanto* case is a little different. The *Monsanto* case does not involve any explicit agreement between the manufacturer and the retailer with respect to price. The *Monsanto* case illustrates a quite different problem. What was involved in *Monsanto* were nonprice restrictions of the kind that the Supreme Court approved in *GTE-Sylvania*. One particular distributor, however, engaged in price competition, as he was perfectly free to do under the arrangement between Monsanto and that distributor, and some other distributors complained, as is very likely to happen anytime you get competition between a set of distributors. Some of the distributors will be complaining about the way their fellow distributors are behaving, and there were complaints to Monsanto about the way this one distributor was behaving.

Subsequent to that point in time, Monsanto terminated that dealer for, it is asserted, reasons that had nothing to do with that dealer's price behavior. The question in *Monsanto* really was, what sort of evidence must be brought forward before a dealer who is terminated is entitled to go to a jury.

The plaintiff's position, which was explicitly endorsed by the Court of Appeals, was that even a single complaint by some other dealer that is made to a distributor, which is temporarily followed by termination, or whatever other evidence there may be about the motivations of the manufacturer in terminating that dealer, that is, simply the fact of complaint, followed in time by the act of termination, is a sufficient basis for the jury to reach the conclusion

that the reason for the termination was the price behavior rather than some other behavior. It is really that issue of the adequacy of evidence that is at stake in *Monsanto*.

Now, because it is true that nonprice restrictions of the kind approved in *GTE-Sylvania* will always lead to higher prices than if those other restraints were not used, and that is exactly why they are used, then it will always be true that the use of such nonprice restrictions creates special opportunities for price cutting, and for the very kind of free riding on somebody else's advertising that the Supreme Court talked about in *GTE-Sylvania*. Therefore you are very, very likely to get price cutting and you are very, very likely to get dealer complaints whenever these other nonprice restrictions are used.

If you take the position that the mere fact of complaint, followed temporarily by termination, is an adequate basis for going to a jury, because of the per se rule against price restraints, then the per se rule against price restraints will turn out to undermine and totally vitiate the approval that the Supreme Court gave in *GTE-Sylvania* to the nonprice restraints. Here again is an illustration of the tension that exists between two bodies of doctrine the Court has announced over the years that are simply at war with one another.

Mr. PORTER. As I said, I see nothing wrong in your taking the position that you believe in an amicus brief, and forcefully pursuing that line, and attempting to get the Supreme Court to clarify that or to change their previous decision. I see nothing wrong with your supporting legislation in the Congress to change the law, but I see a great deal wrong with your taking the law as it is and as plainly existing today and simply deciding because you don't agree with it you are not going to enforce it. I think that is a great, great problem.

Mr. BAXTER. I didn't understand that you were criticizing our filing in this case. I thought you wanted me to explain why we thought that was a case where the—

AMERICAN AIRLINES ATTEMPT TO MONOPOLIZE

Mr. PORTER. I would very strongly urge you to change your policy on that because I can't in my own mind differentiate—from some of the other practices that have led to the resignation of some of our people in the Executive Branch for not carrying out the laws, and I think the Congress has the right to insist upon that, whether members in the executive branch agree with that or not.

I want to ask about another area.

Recently the President of American Air Lines was accused, and I think the matter is in litigation now, of attempting to fix the cost of air fares with his counterpart over at Braniff, and I think that there is a charge against American, not against the president but against the corporation in this regard, regarding monopolization. But my research tells me that there is nothing in the law that makes attempting to fix a price, in the way that this occurs, illegal. Is that so?

Mr. BAXTER. You are both right and wrong.

Mr. PORTER. As usual.

Mr. BAXTER. There is nothing in the law that says attempting to fix prices is a violation of Section 1 of the Sherman Act. There is no general Federal attempt statute which you could take in conjunction with Section 1 of the Sherman Act which prohibits such agreements, and say an attempt to reach that agreement is a violation of Section 1. In that respect, you are right.

You are somewhat incorrect, however, in your summary of the charge that was made against American Air Lines and Mr. Crandall, by the way.

Mr. PORTER. And Mr. Crandall too?

Mr. BAXTER. The charge is a Section 2 charge, where it is quite clear and the statute on its face says that an attempt to monopolize is a violation.

Mr. PORTER. Which you would have to prove; beyond that you have to prove monopolization?

Mr. BAXTER. That is correct.

Mr. PORTER. Which is very much more difficult than proving the act.

Mr. BAXTER. That is correct, and we have alleged in that complaint, and we expect to prove and we should be, in my view, required by the court to prove, that the market in which these two firms competed was significant and the market shares of these two firms were such that the immediate effect of agreement between them with respect to price would constitute effective monopolization of an economically significant market. That is charged in the complaint, and we do expect to prove all that in addition to proving the attempt to reach agreement.

Mr. PORTER. You are certainly consistent in your thinking. I myself find the very act of attempting to fix a price so undermining of our economic free enterprise market that it itself in my judgement ought to be actionable. We shouldn't have to go to the extent to prove the economic or social damage that could have resulted if the price were fixed, but rather simply the offering to fix prices is so abhorrent, in my mind, to what we profess to believe, and so undermining, I might say on my own side of the aisle's position on these kinds of cases we really ought to make an attempted action a criminal violation.

You said consistently on the retail prices the same thing in effect. When I worked in the Justice Department we had to carry out cases whether we agreed with them or not in prosecuting them, and I think you ought to also. I appreciate your testimony. Thank you.

IBM CASE COST

Mr. DWYER. How much will the division spend in winding up the IBM case in fiscal year 1983? Is this amount reflected as a reduction in fiscal year 1984 requests, and if not, why not?

Mr. BAXTER. I am a real amateur at this fiscal year-calendar year, Mr. Chairman. That is the reason I am hesitating. There have been virtually no resource expenditures on the *IBM* case since probably February or March of 1982, so that was in fiscal 1982. Certainly, in fiscal 1983, the resource costs of the *IBM* litigation were taken out of the budget completely, so that they have not

been reflected in our budget since fiscal 1982. Accordingly, there is no reduction between 1983 and 1984.

Mr. DWYER. Thank you, Mr. Baxter.

Mr. BAXTER. Thank you.

MONDAY, MARCH 21, 1983.

GENERAL LEGAL ACTIVITIES

WITNESSES

EDWARD C. SCHMULTS, DEPUTY ATTORNEY GENERAL

REX E. LEE, SOLICITOR GENERAL

GLENN L. ARCHER, JR., ASSISTANT ATTORNEY GENERAL, TAX DIVISION

D. LOWELL JENSEN, ASSISTANT ATTORNEY GENERAL, CRIMINAL DIVISION

J. PAUL McGRATH, ASSISTANT ATTORNEY GENERAL, CIVIL DIVISION

CAROL E. DINKINS, ASSISTANT ATTORNEY GENERAL, LAND AND NATURAL RESOURCES DIVISION

RALPH W. TARR, DEPUTY ASSISTANT ATTORNEY GENERAL, OFFICE OF LEGAL COUNSEL

WILLIAM BRADFORD REYNOLDS, ASSISTANT ATTORNEY GENERAL, CIVIL RIGHTS DIVISION

RICHARD C. STIENER, CHIEF, INTERPOL—U.S. NATIONAL CENTRAL BUREAU

KEVIN D. ROONEY, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION

CHARLES R. NEILL, CONTROLLER

JOHN R. SHAFFER, DIRECTOR, BUDGET STAFF

Mr. DWYER [presiding]. The next appropriation item we shall consider is entitled "Salaries and Expenses, General Legal Activities." The fiscal year 1984 request for this item is \$160,440,000. This amount represents an increase of \$24,312,000 above the amount appropriated to date for fiscal year 1983.

We shall insert at this point in the record the entire set of justifications submitted in support of this item.

[The justification material follows:]

(1077)

Department of Justice
General Legal Activities
Estimates for Fiscal Year 1984
Table of Contents

<u>Item</u>	<u>Page Number</u>
<u>Appropriation Level Material</u>	
Summary Statement.....	1
Proposed Authorization Language.....	3
Justification of Proposed Changes in Appropriation Language.....	4
Crosswalk of 1983 Changes.....	5
Summary of Requirements.....	6
Detail of Permanent Positions by Category.....	7
Summary of Adjustments to Base.....	8
Justification of Adjustments to Base.....	10
Financial Analysis - Program Changes.....	15
Summary of Requirements by Grade and Object Class.....	16
<u>Organization Level Material</u>	
Office of Solicitor General	
Organization Chart.....	18
Summary of Requirements.....	19
Justification of Program and Performance.....	20
Detail of Permanent Positions by Category.....	23
Tax Division	
Organization Chart.....	24
Crosswalk of 1983 Changes.....	25
Summary of Requirements.....	26
Summary of Resources by Program.....	27
Justification of Program and Performance.....	28
Program Ranking.....	48
Detail of Permanent Positions by Category.....	49

<u>Item</u>	<u>Page Number</u>
Criminal Division	
Organization Chart.....	50
Crosswalk of 1983 Changes.....	51
Summary of Requirements.....	52
Summary of Resources by Program.....	53
Justification of Program and Performance.....	54
Program Ranking.....	87
Detail of Permanent Positions by Category.....	88
Financial Analysis - Program Changes.....	89
Civil Division	
Organization Chart.....	90
Crosswalk of 1983 Changes.....	91
Summary of Requirements.....	92
Summary of Resources by Program.....	93
Justification of Program and Performance.....	94
Program Ranking.....	126
Detail of Permanent Positions by Category.....	127
Financial Analysis - Program Changes.....	128
Land and Natural Resources Division	
Organization Chart.....	129
Crosswalk of 1983 Changes.....	130
Summary of Requirements.....	131
Summary of Resources by Program.....	132
Justification of Program and Performance.....	133
Program Ranking.....	154
Detail of Permanent Positions by Category.....	155
Office of Legal Counsel	
Organization Chart.....	156
Summary of Requirements.....	157
Justification of Program and Performance.....	158
Detail of Permanent Positions by Category.....	162

<u>Item</u>	<u>Page Number</u>
Civil Rights Division	
Organization Chart.....	163
Crosswalk of 1983 Changes.....	164
Summary of Requirements.....	165
Summary of Resources by Program.....	166
Justification of Program and Performance.....	167
Program Ranking.....	190
Detail of Permanent Positions by Category.....	191
Financial Analysis - Program Changes.....	192
INSPOL	
Organization Chart.....	193
Summary of Requirements.....	194
Justification of Program and Performance.....	195
Detail of Permanent Positions by Category.....	202

Legal Activities
Salaries and expenses, General Legal Activities
Summary Statement
Fiscal Year 1984

The General Legal Activities appropriation is requesting, for 1984, a total of \$160,440,000, 2,801 permanent positions and 2,825 workyears. This request represents an increase over the 1983 appropriation anticipated of \$19,592,000, 58 permanent positions and 35 workyears.

The primary mission of the General Legal Activities appropriation is to support the Attorney General through the establishment of litigative policy, the conduct of litigation, and the performance of various other legal responsibilities.

The organizations, their major responsibilities and resource requests are summarized below.

Conduct of Supreme Court proceedings and review of appellate matters

This activity is responsible for the conduct and supervision of all aspects of government litigation in the U.S. Supreme Court and approval of all the federal appellate actions to which the United States is a party. No program increase is requested.

General tax matters

This activity is responsible for representation of the United States and all its officers in both civil and criminal litigation arising under the internal revenue laws. No program increase is requested.

Criminal matters

Supervision of litigation or prosecution of cases arising under most federal criminal laws is conducted by this activity. A program decrease of nine workyears and an increase of \$977,000 is requested for this activity in 1984. The workyear reduction represents workyears that the activity has been unable to fund because of increases in average salary resulting from a policy of hiring experienced attorneys and other cost increases. The increase of \$977,000 includes \$690,000 for automated systems and office automation, and \$287,000 to hire experienced prosecutors.

Claime, customs and general civil matters

This activity has the responsibility for the general litigation of the government in cases both initiated by and brought against the United States or its officers. For 1984, a program increase of nine positions and \$7,067,000 is requested to increase litigation support and office automation.

Land, natural resources and Indian matters

This activity conducts litigation of civil and criminal matters relating to areas such as the exploration and development of minerals and energy resources from federal lands, the control of pollution and hazardous waste, the conservation of wetlands and wildlife, and the protection generally of the physical environment. In addition, litigation is conducted pertaining to Indian affairs as they relate to the land. No program increase is requested.

Legal opinions

This activity is responsible for serving as legal advisor to the President, the Attorney General and Executive agencies and for review of proposed Executive Orders and proclamations of the President as to form and legality. All proposed orders of the Attorney General and all regulations requiring his approval are also reviewed by this activity. No program increase is requested.

Civil rights matters

Criminal and civil enforcement of federal civil rights laws, coordination of civil rights investigations and matters within the Department, monitoring certain civil rights decrees by order of federal courts, and assisting federal, state and local agencies in responding to and complying with federal civil rights laws are all the responsibility of this activity. For 1984, a program increase of 15 permanent positions, 11 workyears and \$885,000 is requested to respond to the increased workload in the areas of voting and civil rights prosecution. In addition, the resources will also be used for the improvement of information management and automated support to major litigation and Voting Section workload.

Special prosecution

Resources are not budgeted for this activity in either 1983 or 1984. If resources are required for the services of a special prosecutor in either year, other funding sources may be pursued.

INTERPOL

This activity is responsible for coordination of international law enforcement groups as the United States liaison to the International Criminal Police Organization (INTERPOL). No program increase is requested.

Legal ActivitiesSalaries and expenses, General Legal ActivitiesProposed Authorization Language

The General Legal Activities is requesting the following authorization language:

For General Legal Activities, \$160,440,000 including -

- (A) the hire of passenger motor vehicles;
- (B) miscellaneous and emergency expenses authorized or approved by the Attorney General, or the Deputy Attorney General, or the Associate Attorney General, or the Assistant Attorney General for Administration;
- (C) not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of the Attorney General and accounted for solely on the certificate of the Attorney General;
- (D) advance of public moneys under section 3648 of the Revised Statutes (31 U.S.C. 529);
- (E) pay for necessary accommodations in the District of Columbia for conferences and training activities;
- (F) the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi War Criminals.

Legal ActivitiesSalaries and expenses, General Legal ActivitiesJustification of Proposed Changes in Appropriation Language

The 1984 budget estimates include proposed changes in appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and expenses, General Legal Activities

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for; and not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of the Attorney General and accounted for solely on his certificate; [\$136,128,000], including rent of private or Government-owned space in the District of Columbia.

\$160,440,000

No substantive changes are proposed.

Legal Activities
Salaries and expenses, General Legal Activities
Grosswalk of 1983 Changes
(Dollars in thousands)

Activity/Program	1983 President's Budget Request		Congressional Appropriation Actions on 1983 Request		Reprogramming		1983 Pay Supplemental Requested		1983 Appropriation Anticipated	
	Pos.	WY Amt.	Pos.	WY Amt.	Pos.	WY Amt.	Pos.	WY Amt.	Pos.	WY Amt.
1. Conduct of Supreme Court proceedings and review of appellate matters.....	45	54 \$3,264	...	...	...	...	...	...	45	54 \$3,349
2. General tax matters.....	541	552 24,230	...	...	...	...	...	...	541	552 24,699
3. Criminal matters.....	755	737 36,069	...	...	...	...	...	...	744	730 36,446
4. Claims, customs and general civil matters.....	640	667 32,047	...	...	...	...	...	...	651	674 34,539
5. Land, natural resources and Indian matters.....	336	327 19,084	...	...	...	...	...	...	336	327 19,456
6. Legal opinions.....	35	39 1,940	...	...	...	...	...	...	35	39 1,946
7. Civil rights matters.....	385	407 18,822	...	...	...	...	...	...	385	408 19,233
8. INTERPOL.....	6	6 1,109	...	...	...	...	...	...	6	6 1,140
Total.....	2,743	2,789 136,565	...	...	...	...	...	...	2,743	2,790 140,848

Explanation of Analysis of Changes from 1983 Appropriation Request

Congressional Appropriation Actions

The Congress reduced the General Legal Activities appropriation's 1983 request by \$437,000 based on its decision to hold the 1983 Standard Level User Charges (SUJC) amounts at the rates incurred during 1982.

Reprogramming

The reprogramming of \$1,492,000 between the Civil Division and the other legal divisions represents the Department's priority placed on the continuation of the project to automate litigation support activities in the Civil Division during 1983. Also, a reprogramming of 11 positions, 7 workyears and \$350,000 is proposed from the Criminal Division to the Civil Division to relocate responsibility for civil immigration litigation into the Civil Division. The Office of Management and Budget has allowed one additional workyear in 1983 over the President's Budget Request for the Task Force on Legal Equity for Women.

Pay Supplemental Requested

The pay request provides \$4,720,000 to meet increased pay requirements (Executive Order 12387, October 3, 1982, as modified by P.L. 97-248, the Tax Equity and Fiscal Responsibility Act of 1982, and P.L. 97-377, Further Continuing Appropriations).

Legal Activities
Salaries and expenses, General Legal Activities

Summary of Requirements
(Dollars in thousands)

	Perm.	Work-	Amount
	Pos.	years	
Adjustments to base:			
1983 as enacted.....	2,743	2,790	\$136,128
1983 Pay supplemental requested.....			4,720
1983 appropriation anticipated.....	2,743	2,790	180,848
Transfers to and from other accounts:			
Transfer from Antitrust Division for consumer affairs litigation.....	38	40	1,681
Transfer from Immigration and Naturalization Service for civil immigration litigation.....	4	4	250
Transfer to Justice Management Division for library consolidation.....	-8	-10	-551
Uncontrollable increases.....	...	...	11,318
Decreases.....	...	-1	-2,035
1984 base.....	2,777	2,823	151,511

	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease		
	Perm.	Anticipated		Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount
	Pos.	Pos.	Amount	Pos.	Pos.	Amount	Pos.	Pos.	Amount	Pos.	Pos.	Amount
Estimates by budget activity:												
1. Conduct of Supreme Court proceedings and review of appellate matters.....	45	50	\$2,917	45	54	\$3,349	45	54	\$3,527	...	...	...
2. General tax matters.....	541	557	22,699	541	552	24,699	537	547	26,343	...	...	...
3. Criminal matters.....	766	719	34,700	744	730	36,446	741	723	39,153	...	...	\$977
4. Claims, customs and general civil matters.....	640	624	31,960	651	674	34,539	693	722	37,748	702	722	44,815
5. Land, natural resources and Indian matters.....	336	292	17,119	336	327	19,456	336	327	20,730	...	...	...
6. Legal opinions.....	35	33	1,599	35	39	1,986	35	39	2,146	...	...	...
7. Civil rights matters.....	385	400	17,530	385	408	19,233	384	405	20,405	399	416	21,290
8. Special prosecution.....	...	...	304	...	...	...	...	...	...	...	...	...
9. INTERPOL.....	6	8	1,129	6	6	1,140	6	6	1,459	...	...	...
Total.....	2,754	2,683	129,957	2,743	2,790	180,848	2,777	2,823	151,511	2,801	2,825	160,440
										24	2	8,929

Legal Activities
Salaries and expenses, General Legal Activities
Detail of Permanent Positions by Category
Fiscal Years 1982 - 1984

Category	1982 Authorized	1983 Authorized	1984		Total
			Trans. in the Estimates	Program Increases	
Attorneys.....	1,425	1,412	28	7	1,447
Paralegal Specialists.....	190	190	4	6	1,200
Other Legal and Kindred....	57	57	...	...	57
Other Miscellaneous.....	3	3	...	...	3
Social Sciences, Economics and Kindred.....	22	22	...	...	22
Personnel Management.....	1	1	...	...	1
General Administrative, Clerical and Office Services.....	1,028	1,030	7	11	1,048
Accounting & Budget.....	19	19	...	...	19
Library & Archives Group...	5	5	-5	...	...
Education Group.....	1	1	...	...	1
Business & Industry Group..	3	3	...	...	3
Total.....	2,754	2,743	34	24	2,801
Washington.....	2,456	2,456	34	24	2,514
U.S. Field.....	297	286	...	...	286
Foreign Field.....	1	1	...	...	1
Total.....	2,754	2,743	34	24	2,801

Legal Activities
Salaries and expenses, General Legal Activities
Summary of Adjustments to Base
(Dollars in thousands)

	Perma. Pos.	Work- Years	Amount
1983 as enacted.....	2,743	2,790	\$136,128
1983 Pay supplemental requested:			Amount
Increased pay costs.....			\$4,095
Medicare costs.....			780
Amount absorbed.....			-155
Net pay supplemental.....			4,720
1983 appropriation anticipated.....	2,743	2,790	140,848
Adjustments to base:			
Transfers to and from other accounts:			
Consumer affairs litigation from the Antitrust Division.....	38	40	1,681
Civil Immigration litigation from the Immigration and Naturalization Service.....	4	4	250
Library consolidation to the Justice Management Division.....	-8	-10	-551
Total, transfers.....	34	34	1,380
Uncontrollable increases:			
Annualization of 1983 pay increases.....	...	...	27
Annualization of Executive Level pay increases.....	...	...	327
Annualization of Medicare costs.....	...	...	264
Within-grade increases.....	...	...	967
Health benefits costs.....	...	...	263
Standard Level User Charges (SLUC).....	...	...	7,314
GSA recurring reimbursable services.....	...	...	87
Postal Service redistribution.....	...	...	181
Federal Telecommunications System (FTS).....	...	...	85
CAP Telephone rate increase.....	...	...	105
Telephone system line charges.....	...	...	241
GPO printing costs.....	...	...	19
Full-field investigations.....	...	...	28
Employee data and payroll services.....	...	...	26
General pricing level adjustment.....	...	...	1,126
Departmental telecommunications redistribution.....	...	...	36
INTERPOL annual dues.....	...	...	220
Total, uncontrollable increases.....	...	...	11,318

Legal Activities
Salaries and expenses, General Legal Activities
Summary of Adjustments to Base, Continued
 (Dollars in thousands)

	Perma Pos.	Work- years	Amount
Decreases:			
One less compensable day.....	...	...	-4371
Non-recurring cost for change in hourly rate.....	...	...	-305
Non-recurring decrease for 1983 reprogramming.....	...	...	-1,359
Dissolution of Task Force on Legal Equity for Women.....	...	-1	...
Total, decreases.....	...	-1	-2,095
1984 Base.....	2,777	2,823	151,511

Legal Activities
Salaries and expenses, General Legal Activities
Justification of Adjustments to Base
(Dollars in thousands)

Transfer to and from other accounts:

	Perma. Pos.	Work- years	Amount
1. Transfer from Antitrust Division for consumer affairs litigation.....	38	40	\$1,681
This transfer represents the relocation of consumer affairs litigation activities from the Antitrust Division to the Civil Division.			
2. Transfer from the Immigration and Naturalization Service (INS) for civil immigration litigation.....	4	4	250
Responsibility for civil immigration litigation will be transferred from INS to the Civil Division.			
3. Transfer to the Justice Management Division for library consolidation.....	-8	-10	-551
These resources will be transferred from the Criminal, Tax and Civil Rights Divisions to the General Administration appropriation for consolidation of library services.			
Total transfers.....	34	34	1,380

Uncontrollable increases:

1. Annualization of 1983 pay increases.....	...	...	27
This provides for annualization of the October 3, 1982, pay increase contained in Executive Order 12387. Of the pay raise requirement of \$3,529,000, \$27,000 was absorbed in 1983.			
2. Annualization of Executive Level pay increases.....	...	...	327
This provides for the annualization of the January 1, 1983, Executive Level pay increase contained in P.L. 97-377. There are 261 compensable days in 1983 and 66 paid days (October 1 through December 31, 1982) were not included in the pay raise. Of the pay raise amount of \$566,000, \$124,000 was absorbed. The calculation of the amount required for annualization is:			

	Perm. Pos.	Work- years	Amount
66/261 x Annual amount of pay raise (\$755,000)...			\$203,000
1983 Absorption of pay.....			124,000
Total annualization.....			327,000
3. Annualization of medicare costs.....	\$264
This provides for full funding for the 1.3 percent federal share of the Medicare Hospital Insurance tax to federal employees as required by P.L. 97-248, the Tax Equity and Fiscal Responsibility Act of 1982. The request of \$264,000 covers the period from October 1 to December 31, 1982, which was not funded in 1983.			
4. Within-grade increases.....	967
This request provides for an expected increase in the cost of within-grade salary increases. This increase is generally consistent with increases experienced within recent years and is approximately one percent above the base for compensation and related benefits for permanent employment. (Personnel compensation = \$928,000 and benefits = \$39,000).			
5. Health benefits costs.....	263
The Federal Employees Health Benefits Act (P.L. 93-246) provides that the government's share of health insurance would be 60 percent of the total rate commencing in 1975. Effective January 1, 1982, the health insurance carriers raised their rates approximately 13 percent. The requested increase of \$263,000 provides for payment of the average rate percent over the \$2,023,000 now available.			
6. Standard level user charges.....	7,314
Section 108 of P.L. 97-377, Continuing Resolution for 1983, prohibits agencies from paying the General Services Administration (GSA) a higher rate per square foot for the rental of space and services in 1983 than they paid in 1982. In keeping with the Administration's policy that charges for space shall be consistent with market rates, the request includes \$437,000 to restore cuts made in 1983 and \$6,877,000 for 1984 price level adjustments and the annualization of the 1983 space inventory.			

	Perma. Pos.	Work- years	Amount
7. GSA recurring reimbursable services.....	\$87
Payments for heating, ventilation, air conditioning and guard service over normal requirements are made to GSA on a reimbursable basis. An increase of 25 percent in 1984 based on 1983 estimated costs of \$348,000 yields an uncontrollable increase of \$87,000.			
8. Postal Service redistribution.....	181
The Postal Service has advised the Department that the postage rate is not expected to increase before or during 1984. Although no increase is expected for 1984, some redistribution based on the 1982 mail survey taken by the Department has been made between the offices, boards and divisions to correctly charge the using organizations. This redistribution will increase the 1983 charge of \$52,329 by \$181,000.			
9. Federal Telecommunications System (FTS).....	85
The FTS increase reflects the advance billing provided to the Department of Justice by the General Services Administration. In 1984, the uncontrollable increase will be \$85,000 over the 1983 base of \$1,731,755.			
10. GIP Telephone rate increase.....	105
Effective April 21, 1982, the Chesapeake and Potomac Telephone Company was granted a rate increase of 19.6 percent for equipment and installation charges in the Washington Metropolitan area. This results in an increase of \$105,000 in 1984.			
11. Telephone system line charges.....	241
The cost of providing CEN/RIEX telephone switchboard service to Department users will increase from \$20.10 to \$27.68 per telephone line. A 19.6 percent increase was granted to CIP in 1982, additionally a 30 percent increase is proposed for 1983. An uncontrollable increase of \$241,000 over the 1983 base of \$641,000 is required to cover the higher rates in 1984.			
12. GPO printing costs.....	19
The Government Printing Office (GPO) is currently projecting a five percent increase over the 1983 printing cost of \$380,000. An additional \$19,000 will be required in 1984.			

	Perm. Pos.	Work- years	Amount
13. Full-field investigations.....	\$28
<p>The Office of Personnel Management (OPM) has notified users of a \$150 increase in the standard rate charged for each full-field investigation over the 1982 base cost of \$1,300. The uncontrollable increase is calculated on average accession of 187 persons per year for a total cost of \$28,000.</p>			
14. Employee data and payroll services.....	26
<p>Centralized employee data and payroll services are provided to most departmental organizations. Charges for these services, which include information systems maintenance and payroll accounting are based on the number of employees paid. The rate of \$110.00 per employee in 1983 has been raised to \$120.94 for 1984. The uncontrollable increase of \$26,000 is based on 2,777 authorized positions.</p>			
15. General pricing level adjustment.....	1,126
<p>This request applies to OMB pricing guidance as of December 1982 to selected expense categories. The increased costs identified result from applying a factor of 5.3 percent against those sub-object classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, transportation costs and utilities. Excluded from the computation are categories of expense where inflation has already been built into the 1984 estimates.</p>			
16. Departmental telecommunications redistribution.....	38
<p>Although no rate increase is expected in Departmental telecommunications before or during 1984, a redistribution is necessary to charge using organizations based on actual usage in 1982. This redistribution will increase the 1983 charge of \$46,000 by \$38,000.</p>			
17. INTERPOL annual dues.....	220
<p>Annual dues for the International Criminal Police Organization (INTERPOL) are scheduled to increase by 55 percent for 1984, from \$400,000 to \$620,000.</p>			
Total, uncontrollable increases.....	11,318

	Perm. Pos.	Work- years	Amount
<u>Decreases (Automatic non-policy):</u>			
1. One less compensable day.....	-\$371
2. Nonrecurring cost for change in hourly rate.....	-305
<p>This provides for an overall pay adjustment that results from a change in the basis for computing pay for General Schedule employees. Currently, General Schedule pay is computed on the basis of 260 workdays or 9,080 hours, although 261 or 262 workdays may occur in a calendar year. For 1984 an. 1985, section 310 (b)(1) of the Omnibus Reconciliation Act of 1982 requires that pay be computed on the basis of 2,087 work-hours. Budget estimates for 1984 reflect this new basis and were calculated as follows:</p> $\frac{\$90,979,000}{2,087 \text{ hours}} \times 2,080 \text{ hours} = \$90,674,000$ $\$90,674,000 - \$90,979,000 = -\$305,000$			
3. Nonrecurring decrease for 1983 reprogramming.....	-1,359
4. Dissolution of Task Force on Legal Equity for Women.....	...	-1	...
Total decreases.....	...	-1	-2,035
Total, adjustments to base.....	34	33	10,663

Legal Activities
Salaries and expenses, General Legal Activities
Financial Analysis - Program Changes
(Dollars in thousands)

Item	Criminal Division		Civil Division		Civil Rights Division		Total	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
<u>Grades</u>								
GS/OM-15.....	...	...	...	...	1	\$49	1	\$49
GS/OM-14.....	...	...	...	...	1	44	1	44
GS/OM-13.....	...	...	...	\$125	1	35	1	160
GS-12.....	...	...	...	...	1	29	1	29
GS-11.....	...	...	...	25	4	100	4	125
GS-7.....	...	...	...	...	5	85	5	85
GS-6.....	...	...	...	...	2	30	2	30
GS-3.....	...	...	4	...	...	...	4	...
GS-2.....	...	...	5	...	...	...	5	...
<u>Total positions and annual</u>								
rate.....	...	...	9	150	15	372	24	522
Lapse (-).....	-9	\$259	-9	...	-4	-93	-22	166
<u>Total workyears and person-</u>								
nel compensation.....	-9	259	...	150	11	279	2	68
Personnel benefits.....		28	...	...		28		56
Travel and transportation of		...	...	...		110		110
persons.....		...	...	...		1		1
Transportation of things.....		...	...	...		33		33
Standard level user charges.....		440	...	769		42		1,251
Comm., util. & other rent.....		...	...	...		15		15
Printing and reproduction.....		150	...	6,148		84		6,382
Other services.....		...	...	...		22		22
Supplies and materials.....		100	...	...		271		371
Equipment.....		...	...	...		...		...
<u>Total workyears and obli-</u>								
gations, 1984.....	-9	977	...	7,067	11	885	2	8,929

Legal Activities
Salaries and expenses, General Legal Activities
Summary of Requirements by Grade and Object Class
 (Dollars in thousands)

Grades and salary ranges	1983 Estimate		1984 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
Executive Level III, \$68,400.....	1		1		...	
Executive Level IV, \$67,200.....	6		6		...	
ES-5, \$65,500.....	7		7		...	
ES-4, \$63,800.....	62		62		...	
ES-3, \$61,515.....	22		23		...	
ES-2, \$59,230.....	9		9		...	
ES-1, \$56,945.....	8		8		...	
GS/GM-15, \$48,553 - \$63,115.....	482		489		...	
GS/GM-14, \$41,277 - \$53,661.....	358		379		...	
GS/GM-13, \$34,930 - \$45,406.....	288		288		...	
GS-12, \$29,374 - \$38,185.....	229		230		...	
GS-11, \$24,508 - \$31,861.....	159		166		...	
GS-10, \$22,307 - \$29,003.....	10		10		...	
GS-9, \$20,256 - \$26,131.....	127		130		...	
GS-8, \$18,339 - \$23,838.....	109		110		...	
GS-7, \$16,559 - \$21,527.....	362		368		...	
GS-6, \$14,901 - \$19,374.....	234		239		...	
GS-5, \$13,369 - \$17,383.....	159		154		...	
GS-4, \$11,949 - \$15,531.....	70		71		...	
GS-3, \$10,645 - \$13,840.....	36		41		...	
GS-2, \$9,756 - \$12,278.....	5		10		...	
Ungraded Positions.....	...		...		...
Total, appropriated positions.....	2,743	\$90,206	2,801	\$92,954	58	+\$2,748
Pay above stated annual rates.....	...	354	...	365	...	11
Lapses.....	-65	-2,108	-81	-2,645	-16	-537
Net savings due to lower pay scales for part of year.....	...	-203	...	...	...	203
Net permanent.....	2,678	88,249	2,720	90,674	42	2,425

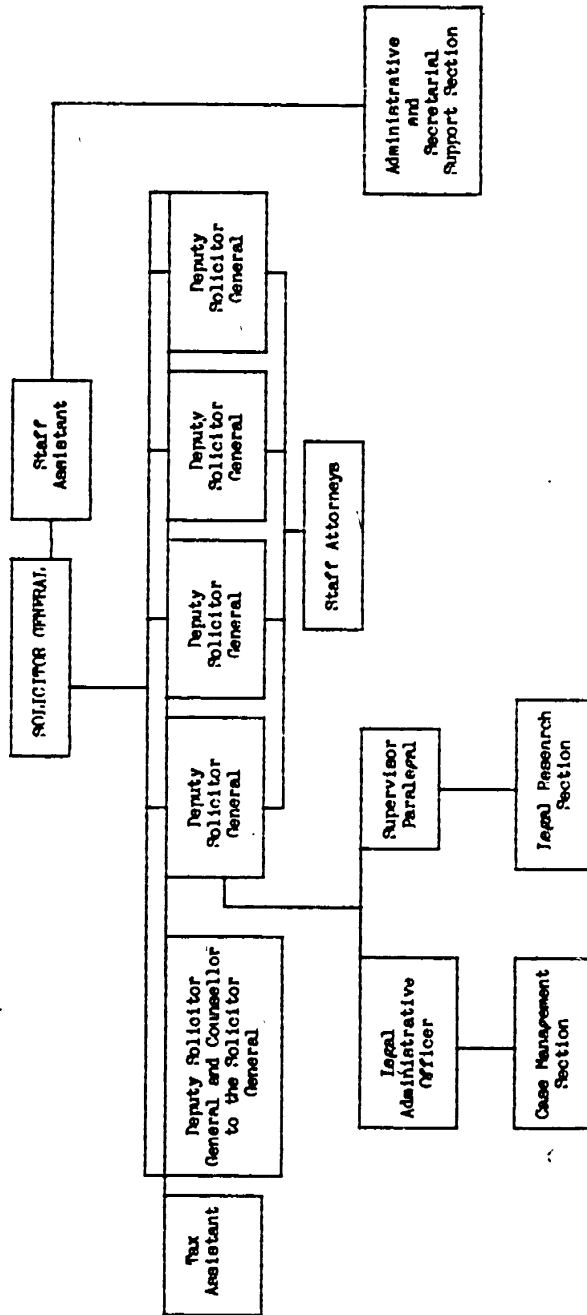
Legal Activities
Salaries and expenses, General Legal Activities
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1983 Estimate		1984 Estimate		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Full-time permanent.....	2,678	\$88,249	2,720	\$90,674	42	\$2,425
11.3 Other than full-time permanent:						
Part-time permanent.....	112	2,411	105	2,376	-7	-35
Temporary employment.....	...	...	...	...	...	...
Other part-time and intermittent employment.....	...	...	...	...	...	...
11.5 Other personnel compensation:						
Overtime.....	26	548	26	549	...	1
Administrative uncontrollable overtime.....	...	...	...	...	...	...
Other compensation.....	...	408	...	409	...	1
11.8 Special personnel services payments.....	...	863	...	863	...	...
Total, workyears and personnel compensation.....	2,816	92,479	2,851	94,871	35	2,392
12 Personnel benefits.....	9,252		10,008		756	
13 Benefits for former personnel.....	36		29		-7	
21 Travel & transp. of persons.....	7,899		8,290		391	
22 Transp. of things.....	363		386		23	
23.1 Standard Level User Charges.....	7,816		15,122		7,306	
23.2 Comm., utilities and other rent.....	6,827		8,154		1,327	
24 Printing & reproduction.....	2,240		2,267		27	
25 Other services.....	11,264		18,169		6,905	
26 Supplies & materials.....	1,410		1,515		105	
31 Equipment.....	1,242		1,609		367	
91 Unvouchered.....	20		20		...	
Total obligations.....	140,848		160,440		19,592	

Relation of obligations to outlays:

Obligated balance: start of year.....	16,922	19,591
Obligated balance: end of year.....	-19,291	-22,893
Outlays.....	138,179	157,138

OFFICE OF THE SOLICITOR GENERAL



Solicitor GeneralSalaries and expenses, General Legal ActivitiesJustification of Program and Performance

Activity Resource Summary
(Dollars in thousands)

Activity: Conduct of Supreme Court proceedings and review of appellate matters	1969 Appropriation Anticipated			1969 Price			1969 Estimate			Increase/Decrease		
	Perms.			Perms.			Perms.			Perms.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Federal appellate activity	45	57	\$4,540	45	57	\$4,577	45	57	\$4,577	...	...	...

The Office of the Solicitor General is responsible for conducting and supervising all aspects of Government litigation in the Supreme Court of the United States. The Office also acts upon every case in which a decision is rendered in any court against the United States to determine whether an appeal will be undertaken. In addition, the Solicitor General also determines whether the Federal Government should file a brief as amicus curiae in any case of particular interest in any appellate court.

Long-Range Goal: To be as effective as possible in the conduct of all aspects of Government litigation in the appellate courts and the U.S. Supreme Court.

Major Objectives:

To conduct all aspects of Government litigation in the Supreme Court as effectively as possible.

To review appellate cases to determine their suitability for appeal to the U.S. Supreme Court or to a lower Federal Appellate Court.

To meet all filing dates of cases before the U.S. Supreme Court.

Base Program Description: The major function of the Solicitor General's Office is to supervise the handling of government litigation in the Supreme Court of the United States.

The Office of the Solicitor General is the Government's foremost legal office. The original Statutory Authorization Act of June 22, 1870, states: "There shall be in the Department of Justice an officer learned in the law, to assist the Attorney General in the performance of his duties to be called the Solicitor General." As stated in 28 C.F.R. 0.20, the general functions of the Office are as follows: (1) conducting, or assisting and supervising all Supreme Court cases, including appeals, petitions for and in opposition to certiorari, briefs and arguments; (2) determining whether, and to what extent, appeals will be taken by the Government to all appellate courts (including petitions for rehearing en banc and petitions to such courts for the issuance of extraordinary writs); (3) determining whether a brief amicus curiae will be filed by the Government, or whether the Government will intervene, in any appellate court; (4) assisting the Attorney General, the Deputy Attorney General and the Associate Attorney General in the development of broad Department program policy.

Accomplishments and Workload: Recent accomplishments and workload of the Office of the Solicitor General are presented as follows:

	Estimates		
	1981	1982	1983
<u>Cases:</u>			
Pending, beginning of term.....	374	345	340
Received.....	1,648	1,733	1,800
Terminated.....	1,677	1,738	1,808
Pending, end of term.....	345	340	352
<u>Other Activities:</u>			
Appellate determination.....	1,979	1,510	1,745
Constitutional determinations.....	657	637	647
Miscellaneous recommendations.....	378	350	361
			1,885
			660
			368

Note: All figures for Cases are based on Supreme Court terms; Other Activities figures are based on fiscal years.

1/Miscellaneous decisions include the following: amicus participation, mandamus, rehearing, settlement, habeas, stays, etc. This figure does not include oral arguments in the Supreme Court, conferences, correspondence, etc.

Government cases recently handled by the Office of the Solicitor General resulted in the following decisions by the Supreme Court, among more than 70 others: (1) the provisions of the Public Utility Regulatory Policies Act requiring state regulatory commissions to consider the adoption and implementation of specific rate designs and standards for electric and natural gas utilities, and to implement rules formulated by the Federal Energy Regulatory Commission with respect to the sale and purchase of electricity from co-generation and small power facilities, do not exceed congressional power under the Commerce Clause or violate the Tenth Amendment (*Prior v. Mississippi*); (2) law enforcement officers may conduct a warrantless search of an automobile and any containers within it that might contain contraband or evidence they have probable cause to believe is within the automobile (*United States v. Ross*); (3) the Census Act prohibits disclosure of raw census data either in civil discovery (*Michigan v. Walbridge*) or pursuant to a Freedom of Information Act request (*Walbridge v. Shapiro*); (4) there is no constitutional right to exemption from social security taxes because of religious beliefs against participation in the social security program (*United States v. Lee*); (5) employees entrusted with confidential information by their employers are not thereby deprived of their rights under the National Labor Relations Act, although those entrusted with strategic labor relations information may not participate in bargaining units (*NLRB v. Hendricks Co.*); (6) Title IV of the Education Amendments of 1972 prohibits federally funded education programs from discriminating on the basis of gender with respect to employment (*North Haven Board of Education v. Bell*); (7) all agency records concerning identifiable individuals are subject to Exemption 6 of the Freedom of Information Act and hence may not be released if disclosure would constitute an unwarranted invasion of personal

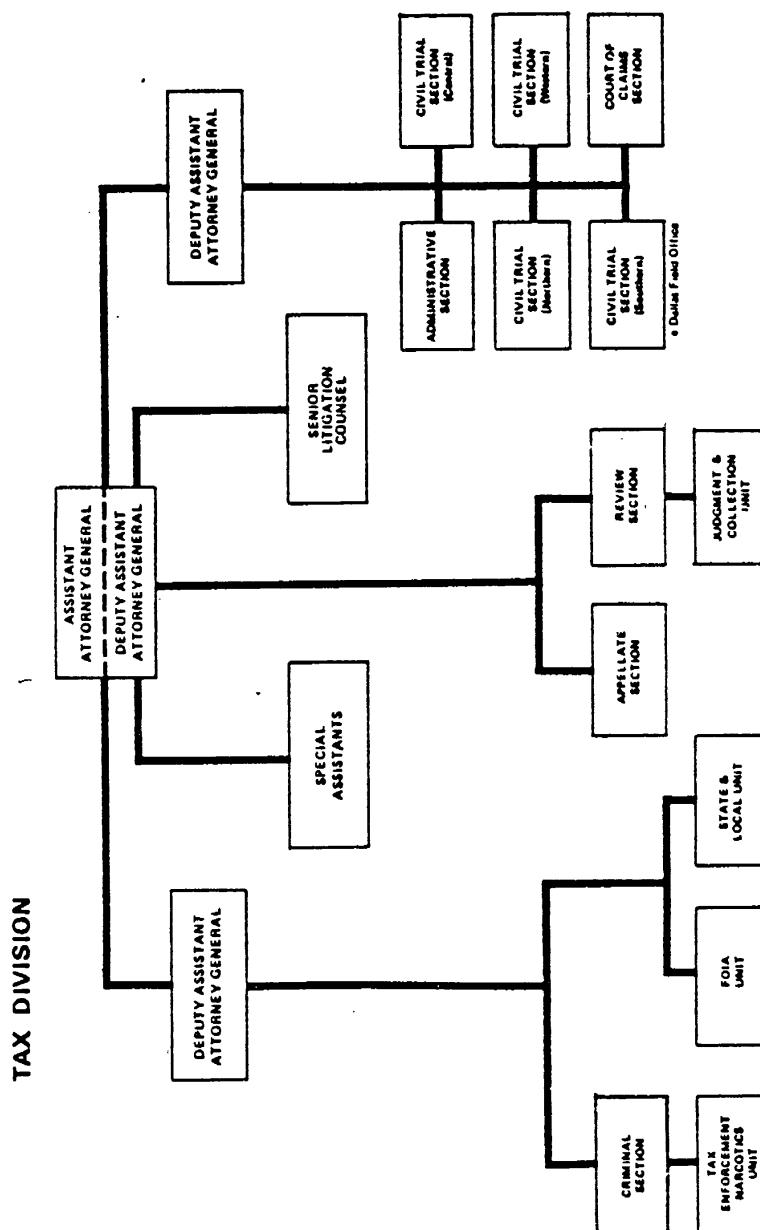
privacy (Department of State v. Washington Post Co.); (8) in the construction industry, a union statutory subcontracting clause sought or obtained in the context of collective bargaining is lawful even though it is not limited to job sites at which union and non-union workers are employed (Weilke & Romero Printing, Inc. v. NLRB); (9) delay between the dismissal of charges and the later filing of similar charges does not violate the Speedy Trial Clause of the Sixth Amendment (United States v. MacDonell); (10) in a collateral attack on his conviction, a federal prisoner may not assert claims that he failed to raise in a timely fashion at trial unless he shows "cause" and "prejudice" (United States v. Brady); and (11) the government may deport illegal aliens who witnessed a crime unless the aliens can give testimony that is favorable to the defense, material, and not cumulative (United States v. Valenzuela-Peral).

The Office of the Solicitor General filed briefs as a friend of the Court in many other cases, including cases in which the Court held that: (1) the President is absolutely immune from civil damages liability for official acts during his tenure in office (Nixon v. Fitzgerald); (2) executive officials are entitled to qualified immunity from civil damages liability as a matter of law unless their conduct violated clearly established statutory or constitutional rights (Harlow v. Fitzgerald); (3) a private party may sue for damages under the Commodity Exchange Act (Merrill Lynch, Pierce, Fenner & Smith v. Curran); (4) the regulations of the Federal Home Loan Bank Board permitting federal savings and loan associations to include "due-on-sale" clauses in their mortgages preempt contrary state laws (Fidelity Federal Savings & Loan Association v. De la Cuesta); (5) enforcement of the Railway Labor Act against a state-owned railroad does not violate the Tenth Amendment (United Transportation Union v. Long Island Railroad); (6) certificates of deposit issued by federally-regulated banking institutions are not securities as defined in the Securities Laws (Marine Bank v. Weaver); (7) a politically motivated refusal to unload Soviet cargo from an American vessel violates the secondary boycott restrictions of the National Labor Relations Act (International Longshoremen's Association v. Allied International, Inc.); (8) the Illinois Business Takeover Act violates the Commerce Clause (Piper v. Wite Corp.); and (9) a maximum fee agreement among member-doctors of a nonprofit organization is a per se violation of the antitrust laws (Arizona v. Maricopa County Medical Society).

Among the briefs filed for consideration by the Supreme Court during the upcoming Term are ones in which the Office of the Solicitor General has argued that: (1) the one-House veto provision in the Immigration and Nationality Act is unconstitutional (INS v. Chada); (2) the district courts have no authority under Title VII of the Civil Rights Act of 1964 to suspend bona fide seniority systems to prevent the layoff of minority employees hired to remedy prior discriminatory hiring practices (Boston Firefighters Union v. Boston Chapter, NAACP); (3) the National Highway Traffic Safety Administration properly rescinded regulations that would have required vehicles produced after September 1993 to be equipped with passive restraints (Motor Vehicle Manufacturers Association v. State Farm Mutual Automobile Insurance Co.); (4) the Age Discrimination in Employment Act does not unconstitutionally interfere with state employment practices (Pitt v. Wyoming); (5) Congress' prohibition of picketing, leafleting, and demonstrating in the Supreme Court and on its grounds does not violate the First Amendment (United States v. Grace); (6) the Federal Communications Commission is not obliged to attempt an independent assessment of a television station's compliance with the Rehabilitation Act in broadcast licensing proceedings (PCC v. Cottrill); (7) the recipient of nonpublic information concerning ongoing criminal conduct within a corporation may lawfully communicate that information to others who use it in making investment decisions if he has no fiduciary relationship with the shareholders of the corporation and there is no misappropriation (Dirks v. SEC); (8) servicemen may not sue their superior officers for damages for alleged violations of their constitutional rights incident to military service (Chappell v. Wallace); (9) no attorney's fees should be awarded under the Clean Air Act to a party who fails to prevail on any aspect of his challenge to EPA regulations (Norman v. Sierra Club); (10) the Nuclear Regulatory Commission need not weigh psychological stress in authorizing operation of nuclear plants (MFR v. NRC); (11) a State may not impose a moratorium on the licensing of such plants on the ground that no final plan for permanent disposal of radioactive wastes has yet been approved (Pacific Gas & Electric Co. v. State Energy Commission); and (12) the Fourth Amendment exclusionary rule should, under certain circumstances, recognize an exception for searches and seizures undertaken in the good faith belief that they are lawful (Illinois v. Gates). In addition, the Solicitor General recently sought review of a decision invalidating the Windfall Profit Tax Act (United States v. Prady).

Solicitor General
Salaries and Expenses, General Legal Activities
Detail of Permanent Positions by Category
Fiscal Year 1992-1994

Category	1992 Authorized	1993 Authorized	1994 Request
Attorneys (905).....	21	21	21
General Admin., Clerical and Office Services (900-999).....	16	16	16
Paralegal Specialists (950).....	8	8	8
Total.....	45	45	45
Washington.....	45	45	45
Total.....	45	45	45



Tax Division
Salaries and expenses, General Legal Activities

Crosswalk of 1983 Changes
(Dollars in thousands)

Program	1983 President's Budget Request		Congressional Appropriation Actions on 1983 Request		Reprogramming's		1983 Supplemental Requested		1983 Appropriation Anticipated	
	Pos.	WY Amt.	Pos.	WY Amt.	Pos.	WY Amt.	Pos.	WY Amt.	Pos.	WY Amt.
Federal appellate activity.....	90	91 \$4,180	...	...	...	...	...	...	90	91 \$4,260
Criminal tax prosecution.....	90	91 4,430	...	...	...	...	...	...	90	91 4,520
Judgment enforcement.....	10	10 360	...	...	...	...	...	...	10	10 360
Civil tax litigation activity...	241	236 11,090	...	...	...	...	...	...	241	236 11,310
Management and administration...	110	124 4,170	...	...	...	...	...	...	110	124 4,249
Total.....	541	552 24,230	...	...	...	...	...	...	541	552 24,699

Explanation of Analysis of Changes from 1983 Appropriation Request

Congressional Appropriation Actions

The Congress reduced the General Legal Activities appropriation's 1983 request by \$437,000 based on its decision to hold the 1983 Standard Level User Charges (SLUC) amounts at the rates incurred during 1982. The Tax Division's portion of this reduction is \$80,000.

Reprogramming's

The reprogramming of \$1,359,000 to the Civil Division from the other legal divisions, including \$307,000 from the Tax Division, represents the Department's priority placed on the continuation of the project to automate litigation support activities in the Civil Division during 1983.

Supplemental Requested

The pay request provides \$856,000 to meet increased pay requirements (Executive Order 12387, October 3, 1982, as modified by P.L. 97-248, the Tax Equity and Fiscal Responsibility Act of 1982, and P.L. 97-377, Further Continuing Appropriations).

Tax Division
Salaries and expenses, General Legal Activities
Summary of Resources by Program
(Dollars in thousands)

Estimates by Program	1982 as Fracted			1982 Actual			1983 Appropriation Anticipated			1984 Base			1984 Estimate			Increase/Decrease	
	Perm. Pos.	NY Amount	501	Perm. Pos.	NY Amount	501	Perm. Pos.	NY Amount	501	Perm. Pos.	NY Amount	501	Perm. Pos.	NY Amount	501	Perm. Pos.	NY Amount
General tax matters:																	
Federal appellate activity.....	90	91	\$3,669	90	92	\$3,597	90	91	\$4,260	90	91	\$4,570	90	91	\$4,570	...	...
Criminal tax prosecution.....	90	91	4,015	90	97	3,937	90	91	4,520	90	91	4,870	90	91	4,870	...	...
Judgment enforcement.....	10	6	166	10	7	139	10	10	360	10	10	370	10	10	370	...	...
Civil tax litigation activity....	241	240	10,330	241	234	10,368	241	236	11,310	241	236	12,080	241	236	12,080	...	...
Management and administration....	110	124	4,595	119	127	4,598	110	124	4,249	106	119	4,453	106	119	4,453	...	...
Total.....	541	552	22,775	541	557	22,699	541	552	24,699	537	547	26,343	537	547	26,343	...	...
Other Workyears																	
Holiday.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Overtime.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Total compensable workyears.....	553	557	557	557	557	557	564	564	564	559	559	559	559	559	559	...	...

Tax Division
Salaries and expenses, General Legal Activities

Justification of Program and Performance

Activity Resource Summary
 (dollars in thousands)

Activity: General tax matters	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease		
	Anticipated			Perm.			Perm.			Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Federal appellate activity.....	90	91	\$4,260	90	91	\$4,570	90	91	\$4,570	...	...	...
Criminal tax prosecution.....	90	91	4,520	90	91	4,870	90	91	4,870	...	...	...
Judgment enforcement.....	10	10	360	10	10	370	10	10	370	...	...	...
Civil tax litigation activity.....	241	236	11,310	241	236	12,080	241	236	12,080	...	...	...
Management and Administration.....	110	124	4,249	106	119	4,453	106	119	4,453	...	...	...
Total.....	541	552	24,699	537	547	26,343	537	547	26,343	...	...	...

This activity is responsible for the representation of the United States and its officers in all civil and criminal litigation arising under the Internal Revenue laws, with the exception of proceedings in the United States Tax Court. While its principal client is the Internal Revenue Service, the Division also represents a number of Federal agencies in dealing with issues of state and local tax immunity. While only a small portion of the variety of questions involved in administering a complex tax system come to the attention of the Division, the judicial resolution of these problems is apt to be of wide application to large numbers of taxpayers and to contain strong precedents. The Tax Division's overview of this system nationwide, in conjunction with its centralized leadership role and expertise, contributes substantially to its ability to ensure that correct, precise, and uniform interpretations of the Internal Revenue laws are obtained in the courts. Such rulings serve as guidelines for the resolution of controversies for both the taxpayer and the agents of the Internal Revenue Service.

The Tax Division's responsibilities are divided into five primary programs: Federal appellate activity (organizationally, the Appellate Section), Criminal tax prosecution (the Criminal Section), Judgment Enforcement (the Judgment and Collection Unit of the Review Section), Civil tax litigation activity (Civil Trial Sections Central, Northern, Western, and Southern Regions, the Claims Court Section, and the State and Local Unit), and Management and Administration (the Office of the Assistant Attorney General, the Review Section, the Freedom of Information and Privacy Unit, and the Administrative Section).

Activity: General tax matters	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease		
	Anticipated			Perm.			Perm.			Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Federal appellate activity.....	90	91	\$4,260	90	91	\$4,570	90	91	\$4,570	...	...	...

Long-Range Goal: To ensure that the Government adopts and vigorously articulates correct and uniform positions on issues arising under the tax laws before the various Federal and state appellate courts, so that these tax laws will be fully and fairly enforced and so that tax administrators and the taxpaying public can obtain authoritative judicial guidance on these issues.

Major Objectives:

To maintain the quality of the Government's written and oral advocacy in those tax cases that are appealed to the appellate courts.

To ensure that recommendations as to whether to appeal adverse trial court determinations or to seek Supreme Court review of adverse appellate court determinations continue fully to protect the Government's and the public's interests in the correct and uniform interpretation of the Federal tax laws.

To maintain the quality of the draft briefs, petitions, and oppositions prepared by this program for submission to the Solicitor General prior to their filing in the Supreme Court.

To develop current interpretations of complex new tax statutes that are beginning to appear before the appellate courts (e.g., the new Bankruptcy Code, the Revenue Act of 1978, the Energy Tax Act of 1978, the Crude Oil Windfall Profits Tax Act, and the Economic Recovery Tax Act of 1981), and to present those interpretations in such a persuasive manner as to maximize the chances that they will be adopted by the appellate courts.

To accelerate present initiatives in the litigation management area, including expansion of the appellate workload management data base and the enhancement of appellate litigation research tools.

Base Program Description: The appellate courts ultimately interpret the meaning and scope of the internal revenue laws. For judicial decisions to provide correct and uniform interpretations of the tax laws for the public, organized in a timely manner and persuasive written and oral arguments concerning complex issues arising under the revenue laws must be presented in a timely manner to judges who are generally not experts in tax law. These presentations must be sufficiently effective to ensure that uniform and logical judicial decisions are obtained throughout the Nation, and that the laws will be interpreted in a manner which ensures that the tax laws will be carried out both as to the amount and incidence of taxation. The centralization of these responsibilities is essential to ensure that the Government takes consistent positions in the various courts, which by statute, share responsibility for the interpretation of the internal revenue laws at the appellate level. This program is responsible for presenting the Government's written and oral arguments in all civil tax cases on appeal to the United States Courts of Appeals and to the various state appellate courts. This program also is responsible for handling appeals in Freedom of Information Act and Privacy Act cases involving the Internal Revenue Service, and in civil tort suits involving officials and employees of that agency, and for handling or supervising the presentation of both written and oral arguments in all criminal tax cases on appeal to the United States Courts of Appeals. In addition, this program is responsible for preparing the drafts of all pleadings and briefs to be filed in the Supreme Court in both civil and criminal tax cases. These filings include petitions for certiorari, responses to taxpayer petitions, briefs amicus, and briefs on the merits, all of which are handled in cooperation with the Office of the Solicitor General. Finally, this staff prepares recommendations for the Office of the Solicitor General with respect to: (1) the filing of petitions for certiorari in all tax cases lost by the Government in the courts of appeals and the Claims Court; (2) the prosecution of appeals in all tax cases lost by the Government in the District Court and state courts; and (3) the prosecution of appeals in tax cases lost by the Government in the United States Tax Court, where such cases are referred to the Department of Justice by the Internal Revenue Service.

With respect to its Supreme Court activities, this program is required to prepare a response to all but a small fraction of taxpayer petitions for certiorari. The paramount consideration in the decision to litigate any case through the Supreme Court is the extent to which a particular suit is likely to promote the Federal Government's ability to obtain uniform, correct, and authoritative interpretations of revenue laws. Other factors considered include the amount of money involved in the case at hand and in similar cases currently in litigation, the case's potential precedential impact upon the revenue laws, and whether there are conflicting decisions in the various courts of appeals. In light of the critical impact of any Supreme Court decision, substantial attorney resources must be devoted to determining whether to seek Supreme Court review, preparing the necessary intra-departmental memoranda, and drafting the

required Court filings. Once the Supreme Court has agreed to review a case, the program's leadership and most experienced litigators must devote substantial time and effort to ensuring that the briefs are as persuasive and thorough as possible.

Activity in the 12 United States Courts of Appeals generally constitutes 80 to 85 percent of this program's workload. Any single court of appeals decision is of substantial importance and is binding law in its circuit unless, and until, overruled by the Supreme Court. Moreover, the decision of the appellate court is often a persuasive precedent. These courts hear a far greater number of cases than does the Supreme Court, primarily because of the fact that appeals to the court of appeals may be taken as a matter of right. Furthermore, program attorneys handle a wider range of responsibilities in courts of appeals cases than in Supreme Court cases: these attorneys handle not only the briefing and motions with respect to these cases, but their oral presentation in court, as well. Taxpayer appeals constitute nearly 80 percent of the program's caseload in these courts, with Government appeals constituting the remainder. Such Government appeals are taken only after the program's personnel have reviewed the case to determine whether an appeal would be appropriate, solicited the views of the Internal Revenue Service, and prepared a memorandum to the Solicitor General analyzing the issues involved and making a recommendation as to whether an appeal should be authorized. In formulating a recommendation, program attorneys consult with Internal Revenue Service attorneys and, in cases in which the program's proposed recommendation is contrary to that of the Service, offer these attorneys the opportunity to discuss the differing recommendations. Similar conferences are often held with representatives of the Solicitor General's office prior to the ultimate decision by that office whether to prosecute an appeal.

Appellate activity in the various state appellate courts encompasses approximately six to eight percent of this program's workload. These cases are primarily composed of two major case types: those involving Federal tax liens and those involving issues of intergovernmental tax immunity. The former class of cases derives from a wide variety of situations in which the priority of a Federal tax lien over other security interests in property involved in private, insolvency, foreclosure, or interpleader proceedings is in issue. The latter class of cases involves issues concerning the immunity of Federal agencies and their contractors from taxation by state and local governments.

The bulk of this program's attorney work time is devoted to the production of main briefs. One such brief must be filed in every case in which an appeal is taken by the taxpayer (except in those few instances in which an appeal may be summarily disposed of without briefs on the grounds of mootness, untimeliness, or frivolousness) as well as in every case in which an appeal by the Government is authorized by the Solicitor General. In addition, when it is determined that an attempt should be made to dispose of a case by motion, such a motion must be filed before the Government's brief would be due. Reply briefs are not ordinarily required by court rule, but are an essential tool of appellate advocacy and, thus, must be filed in the case of most Government appeals if the interests of the Government are to be effectively represented and prospects for prevailing are to be maintained. Briefs and memoranda in opposition to all taxpayer petitions for writs of certiorari must also be prepared except when the Solicitor General determines that the petition is frivolous and does not warrant such a response. The program also is obligated, unless excused by the court, to make an appearance at each scheduled oral argument in all cases in which it is counsel of record. Finally, internal memoranda must be prepared in each instance in which a decision for or against appeal, certiorari, rehearing en banc, settlement, or confession of error must be made by the Solicitor General, the Assistant Attorney General, or their formally designated delegates.

Accomplishments and Workload: The accomplishments of the Federal Appellate Activity program are presented in the following table:

	Estimates	
	1983	1984
Appellate Case Load:		
a. Pending, Start of Year	1,308	1,288
b. Received	1,050	1,100
c. Closed	1,070	1,100
d. Percent Government Win	83%	81%

Work Products:

a. Main Briefs	458	536	550	575
b. Reply Briefs	61	72	90	90
c. Briefs in Opposition	126	68	70	70
d. Oral Arguments	333	355	380	400
e. Memoranda	543	472	525	540
f. Dispositive Motions	158	169	185	200

The caseload for the program is projected to continue to increase in 1983 and 1984 because the Tax Court, from which approximately a third of the overall caseload is derived, has recently increased its strength to 19 judges, pursuant to Public Law No. 96-439. This represents a 20 percent increase in the number of active judges on that court and, consequently, the number of decisions issued is likely to increase over the next few years. With a backlog of over 45,000 cases, and an increase in 1981 of nearly 50 percent in the number of cases filed, the Tax Court also is likely to expand its recently initiated practice of assigning regular cases for trial and opinions to that court's special trial judges.

During the past year, in *Jewett v. Commissioner* (S. Ct. 1982), the Supreme Court sustained the Commissioner's position that, as provided by the pertinent gift tax regulations, a disclaimer of a testamentary transfer is taxable as a gift unless such a disclaimer is made within a reasonable time after the disclaimer learns of the transfer. In *Jewett*, the disclaimer of a remainder interest, made 13 years after the trust in question was created but before the life beneficiary had died, was held subject to the tax. The case will be controlling in other cases pending administratively and in litigation involving taxes of \$10 million. In *Lee v. United States* (S. Ct. 1982), the Supreme Court reversed the decision of the lower court holding that the Government was precluded, under the First Amendment, from imposing social security taxes with respect to the wages paid by a member of the Old Order Amish sect to his employees who also were members of that sect. The decision stands as a substantial First Amendment precedent that should prove to be dispositive in a number of recent cases in which taxpayers have sought to avoid liability for social security taxes and for income taxes on First Amendment grounds based on asserted religious opposition to the programs (e.g., defense and nuclear weapons expenditures) funded by such taxes. In *California State Board of Equalization v. United States* (S. Ct. 1982), the Supreme Court affirmed the decision of the Court of Appeals for the Ninth Circuit in favor of the United States in this intergovernmental immunity case. At issue was the constitutionality of a California sales tax statute as applied to leases by the United States of data processing and other equipment from California lessors. The legal incidence of the sales tax was held to be on the United States, and for that reason the state statute was held to violate the Government's constitutional immunity from state taxation. It is estimated that the decision in this case will have a fiscal impact of \$10 million per annum, beginning with the year 1979.

Several important cases were decided in the circuit courts. For example, in *Flamingo Resort, Inc. v. United States* (9th Cir. 1982), the Court of Appeals ruled in favor of the Government that "markers" (legally unenforceable IOUs) received by gambling casinos were required to be accrued by the casino at the time received. The case itself involved about \$260,000, but will be controlling in other pending cases involving approximately \$8 million and sets a controlling precedent for future years. In *Boyer v. Commissioner* (4th Cir. 1981), involving an attempt to avoid the so-called "marriage penalty," the Court of Appeals ruled that the validity of a year-end divorce under the applicable state law would not necessarily control the question whether the taxpayers are to be taxed as married individuals in the Federal income tax purposes. Such a holding, if followed elsewhere, will ensure that there will be nationwide uniformity in the treatment of these divorces and that variations in local law cannot be used by married couples in one state to obtain a Federal income tax advantage that would not be available to married persons in other states. In *Philadelphia National Bank v. United States* (3d Cir. 1981), cert. petition pending, the Court of Appeals reversed the decision of the lower court, which held that interest paid on the obligations of Temple University was tax-exempt under Section 103 of the Internal Revenue Code of 1954. While it otherwise retains its status as a privately chartered and privately controlled institution, since 1965, Temple has been denominated a "state related" educational institution, and has received a large portion of its funding from the Commonwealth of Pennsylvania. The Court of Appeals held that an institution that is not subject to the control of the State and that does not itself exercise any significant part of the

State's sovereign powers is not a "political subdivision" that could issue tax-exempt obligations to its creditors. Approximately \$500,000 in taxes was involved with respect to interest received by just one such creditor over a four-year period. An affirmation of the judgment would have substantially expanded the scope of Section 103 to encompass the obligations of virtually any "private" charitable or educational institution that might enjoy substantial state funding. Finally, in both *United States v. Pittsburgh Trade Exchange, Inc.*, (3d Cir. 1981), and in the Matter of the Tax Liabilities of the Members of the Columbus Trade Exchange (6th Cir. 1982), the first two appellate decisions dealing with the application of the "John Doe" summons provisions of Section 7609(f) and (n) of the Code, the Courts of Appeals sustained the Government's interpretation of these statutory provisions and held that the Government had established its right to compel these barter exchange organizations to disclose the names of individuals utilizing their services based on the likelihood that some of them may have failed to disclose reportable income derived from such exchange transactions. Thus, these decisions establish the use of the "John Doe" summons provisions as an effective device for investigating the individual tax liabilities of the users of such barter exchange services.

	1983 Appropriation Anticipated			1984 Base			1984 Estimate			Increase/Decrease	
	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY
	Pos.			Pos.			Pos.			Pos.	
Criminal tax prosecution.....	90	91	\$4,520	90	91	\$4,870	90	91	\$4,870	...	...

Long-Range Goal: To promote the integrity of the voluntary, self-assessment tax system in the United States by the application of standards of prosecution on a national basis and by the timely, consistent, and successful prosecution of those taxpayers who fraudulently attempt to evade their Federal tax responsibilities.

Major Objectives:

To evaluate cases received from the Internal Revenue Service in order to determine whether prosecution is warranted.

To evaluate and monitor the initiation and progress of grand jury investigations being conducted by the United States Attorneys' offices and to review grand jury findings in order to determine whether prosecution is warranted.

To accept and handle fully all appropriate requests from the U.S. Attorneys for direct grand jury and trial assistance.

To handle directly and/or supervise the prosecution of cases involving tax shelter plans, tax protesters, and the "church" issue.

To coordinate the program for, and handle directly investigations and prosecutions of criminal tax cases involving high-level narcotics traffickers in cooperation with the efforts of the Internal Revenue Service, and the Department's Criminal Division, Drug Enforcement Administration, Federal Bureau of Investigation, and the offices of the U.S. Attorneys.

To continue and expand the program's coordination with the appropriate divisions and sections of the Internal Revenue Service in long-and short-range planning and program development for criminal tax investigations.

Base Program Description: Under the voluntary, self-assessment system of Federal taxation, the full and complete disclosure of income by individuals, corporations, and other taxable entities is relied upon in the first instance. However, a recent study by the Internal Revenue Service (IRS) estimated that the Government lost \$87.2 billion in tax revenues last year because of unreported, or under reporting of, income - 95 percent of it by individuals. In addition, the IRS estimated that \$6.1 to \$9.8 billion more in taxes was lost because of unreported income from illegal sources, including drugs, prostitution, and gambling. Such noncompliance is a matter of great

importance, not only with respect to the tax revenues lost, but also with respect to the basic question of fairness to taxpayers who voluntarily obey the internal revenue laws. Taxpayer compliance will be significantly improved if criminal investigations and prosecutions are initiated with adequate frequency and appropriate geographical coverages, and, where undertaken, are consistently successful. This program's activities, performed organizationally by the Criminal Section of the Tax Division, comprise three major areas of responsibility: (1) case review and supervision; (2) grand jury activities; and (3) case preparation and trial. In addition, program activities in a number of other areas have begun to account for substantial commitments of resources.

The most significant program responsibility, from the standpoint of resource allocation, is the area of case review and supervision. In most instances, a criminal tax case is opened initially by the Criminal Investigation Division of the Internal Revenue Service. If the IRS District Counsel's Office agrees that prosecution should be recommended, that Office will refer the matter to this program for an independent, objective review of the case. Upon receipt of a case, program activities in this area can be divided between the initial review for prosecutive merit (and the preparation of appropriate prosecution memoranda), and the ongoing provision of general litigation support to the U.S. Attorneys and various Criminal Division units, including the Strike Forces, in the conduct of actual case prosecutions.

The initial review for prosecutive merit consists of a complete, objective examination of all reports, exhibits, and evidentiary materials furnished by the Internal Revenue Service. Also, in a substantial number of cases, taxpayers request and are granted conferences at which they may submit information in defense of the proposed charges. After critically analyzing the law and examining these documents, program attorneys prepare prosecution memoranda detailing the evidence available in the case, and make recommendations whether the Internal Revenue Service's theory should be accepted, rejected, or modified. Upon completion of this review, a final determination is made by higher level Division attorneys whether or not the case meets the legal and factual criteria for prosecution. If the case is approved for prosecution, it is transmitted to the appropriate U.S. Attorney's Office for the initiation of prosecution.

In December, 1980, a streamlined review procedure was implemented. Under this system, all incoming criminal tax cases are promptly screened upon receipt by a senior attorney and are divided into categories of complex and noncomplex cases. Noncomplex cases are authorized for prosecution, forwarded to the U.S. Attorneys within 10 working days, and are reviewed in detail by the U.S. Attorney within three months of receipt. Should the U.S. Attorney determine that prosecution is not warranted, the case is returned to this program so the Assistant Attorney General may either decline prosecution or elect to send attorneys to prosecute the case. Complex cases, such as net worth cases and cases with sensitive issues, continue to receive full review by this program. During 1982, 21 percent of all IRS administratively investigated cases referred to this program were classified as noncomplex. This new system of review also has resulted in a faster review of the more complex cases and has enabled program attorneys to devote more time to the trial of cases and other responsibilities described below. The report of the General Accounting Office entitled "Streamlining Legal Review of Criminal Tax Cases Would Strengthen Enforcement of Federal Tax Laws" (GPO-81-25, April 29, 1981) comments favorably on the initiation of the noncomplex case system of review and on other steps taken by the Tax Division to significantly reduce the time and cost of the review procedure.

This program provides a wide variety of important supervisory activities for cases prosecuted by the U.S. Attorneys including: (1) serving as a readily accessible information source to U.S. Attorneys by providing telephone assistance regarding evidentiary problems, trial tactics, plea bargaining, and general trial matters; (2) preparing indictments and other pleadings; (3) providing memoranda of law, trial briefs, jury instructions, and other materials upon request from the U.S. Attorneys; (4) monitoring the status on a quarterly or more frequent basis, by telephone and/or letter, of cases pending in U.S. Attorneys' offices; (5) advising U.S. Attorneys' offices of changes in the criminal tax laws reported in advance sheets, new statutes, and recent court rulings; and (6) writing electronic surveillance check letters and transmitting responses to U.S. Attorneys.

The second major function of this program is the review of requests to authorize grand jury investigations submitted by both the U.S. Attorneys' office and the Internal Revenue Service. This area has experienced dramatic workload increases over the past few years. The

vast majority of such requests arises out of Title 18 and Title 21 investigations which have been conducted by U.S. Attorneys, and in which it has become apparent that potential Title 26 violations may be involved. Following the completion of these investigations, program attorneys review the grand jury evidence and findings, usually on an expedited basis, in order to determine whether prosecution is warranted. This program also has been heavily involved in the direct conduct and supervision of major grand jury investigations in various districts upon the request of the local U.S. Attorneys' offices. Such grand jury investigations require substantial resource commitments because they frequently involve complex legal and accounting issues, and often are multi-jurisdictional in scope. Additionally, in response to the growing need for the financial investigation of high-level narcotics traffickers, this program established, in March, 1981, a special group of attorneys, designated the Tax Enforcement Narcotics Unit, to coordinate and handle grand jury investigations of major narcotics violators in order to develop prosecutable tax cases with the assistance of the IRS.

The objective of this Unit is not to undertake grand jury investigations of every alleged narcotics trafficker for possible tax violations, but rather to handle selective cases referred by the Service in which the target is an alleged major narcotics trafficker having a standard of living not commensurate with reported income. To successfully establish a prosecutable tax case is difficult. The net worth or expenditures method of proof is generally utilized to establish unreported income by narcotics traffickers. Thus, the ownership of assets must be traced and proven through many documents and witnesses. The initial efforts of this Unit have been highly successful. Initially the IRS sent a package referral comprised of 46 individual taxpayers alleged to be major narcotics traffickers to the Division for investigation. Because of limited resources, the Unit focused its efforts on the Service's Southeast Region (Mississippi, Tennessee, North and South Carolina, Georgia, Alabama, and Florida) with particular emphasis in the Miami area where drug trafficking is at epidemic levels. This initial referral, combined with four expansions and new cases, resulted in 35 investigations (15 cases were returned to the Service because of manpower limitations). One investigation was transferred to the U.S. Attorney (Southern District of Florida), four investigations were terminated for lack of potential, 14 individuals have been charged in eight charging documents, and four have pleaded guilty. One individual was convicted of narcotics offenses and is serving a five-year prison term. In addition, these investigations have revealed unreported income for criminal purposes in an amount totaling in excess of nine million dollars.

The experience of the Unit in its first year of operation establishes without question the fact that there is almost unlimited potential for this type of investigative effort against major narcotics traffickers. The attorneys and agents engaged in the investigations conducted by the Unit have gained vast experience in the areas of target selection and investigative techniques. They also have developed a general understanding of the methods utilized by narcotics traffickers to launder their illicit income. As a result, investigations in the future will progress more expeditiously and reach potentially greater results. It is the goal of the Tax Division and the Criminal Division to develop and implement a program having as its objectives the vigorous enforcement of the Federal tax laws in an effort to curtail the activities of identifiable high-level narcotics violators. It is believed that the Tax Division's unique position most effectively permits it to coordinate Federal tax enforcement activities in this program area with the U.S. Attorneys, the Criminal Division, and the Internal Revenue Service.

The third major function of this program is case preparation and trial. The actual conduct of trials normally is the responsibility of U.S. Attorneys. After the case has been transmitted, litigation assistance is provided upon the request of the U.S. Attorneys for any of several reasons: (1) when the case involves novel or complex issues of law or fact which require specific tax expertise; (2) when the tax case load levels in specific U.S. Attorneys' offices require additional resources; (3) when the case involves a sensitive local issue or individual; or (4) when prosecution is declined in a case by a U.S. Attorney, but the Division considers the case meritorious. Trial assignments are undertaken by the staff of this program without prior transmittal to the U.S. Attorneys' offices only in cases dealing with the church issue, the tax protester movement, or cases involving major narcotics traffickers who have been investigated by the Tax Enforcement Narcotics Unit.

Just Assistant U.S. Attorneys are unable to work with criminal tax cases on a day-to-day basis and do not, as a practical matter, have the opportunity to develop expertise in the handling of such cases. For example, criminal tax cases are frequently proven by "indirect"

methods of proof, e.g., the net worth method or the bank deposits method. The amount of specialized tax knowledge required to understand fully the technical, financial, accounting, and legal considerations applicable to such cases is considerable and is usually the product of long experience in the tax and criminal law fields. It is unreasonable to expect that most Assistant U.S. Attorneys will be able to obtain this requisite knowledge, while still attending to the numerous other types of cases on their dockets. Numerous requests for direct litigation assistance by this program's attorneys are received specifically because of this lack of expertise in criminal tax cases. It is anticipated that, as criminal tax violations become increasingly sophisticated and require even greater amounts of attorney time to prosecute, U.S. Attorneys will more frequently request assistance.

While the program has made significant progress in reducing the amount of time required to conduct its review of the prosecutorial merits of cases referred to it by the Internal Revenue Service, there still exists an inordinate amount of delay between referral of cases to U.S. Attorneys' offices and initiation of trials. This delay resulted from a backlog of criminal tax cases in a number of U.S. Attorneys' offices, priorities given to other types of cases, and other factors. This program is continuing its efforts to aid U.S. Attorneys in eliminating this backlog by providing them with attorneys for trial assistance. It is estimated, however, that with the level of new cases authorized for prosecution, it may take several years to achieve a significant reduction in the present backlog.

Several additional activities also have contributed to this program's increased workload. First, this program has increased the amount of service which it provides to its client agency, the Internal Revenue Service. The program has become more actively involved in the Internal Revenue Service's long-and short-range planning process and the development of its enforcement goals. The program also has undertaken an effort to more fully and carefully inform Internal Revenue Service personnel of the deficiencies in their investigations in order that their future efforts will be more fully efficient and of higher quality. A second area of activity which requires additional resource commitment involves the review of draft releases, proposed by the Freedom of Information and Privacy Unit, relative to Criminal Section files. These proposed releases of information must be reviewed in a timely manner in order to ensure that disclosure of information does not jeopardize or interfere with ongoing criminal tax investigations and prosecutions. This program also is involved in the evaluation and processing of requests submitted by Government attorneys for authorization to compel testimony, pursuant to 18 U.S.C. 6001, et seq., from Government witnesses in connection with criminal tax trials or grand jury investigations. Finally, this program will continue to offer a series of Criminal Tax Institutes for U.S. Attorneys. These Institutes, which involve virtually all of the supervisory staff of this program as well as the Division's leadership, constitute three-day training courses concerning the Federal prosecutor's trial of criminal tax cases. The objective of these courses, which optimally would be conducted twice each year, is to enable the U.S. Attorneys to become sufficiently familiar with the legal principles, techniques, and methods applicable to criminal tax cases, so that they will be better able to handle more of the difficult cases referred to them for prosecution by this program.

Accomplishments and Workload: The accomplishments of the Criminal Tax Prosecution program are presented in the following table:

	Estimates		
	1981	1982	1983
Number of Defendants in Cases Reviewed for Transmittal to U.S. Attorneys			
a. Pending for Review	951	790	897
b. Received for Review	1,736	1,834	1,900
c. Prosecution Memos Completed	1,432	1,018	1,200
d. Transmitted to U.S. Attorneys	1,446	1,520	1,650
e. Prosecution Declines	451	207	100
			1,127
			2,150
			1,250
			1,800
			100

Trials Assigned to Program Attorneys			
a. Total Trial Assignments Pending	30	71	56
b. Total Trials Assigned	122	72	90
c. Trial Assignments Completed	81	87	100
Grand Jury Activities			
a. Authorizations Approved	334	293	300
b. Investigations Pending	21	17	20
c. Investigations Initiated	25	13	25
d. Presentations for Indictment	58	43	60

According to an April, 1980 study for the Internal Revenue Service, voluntary compliance is significantly attributable to the fear of criminal prosecution. The successful deterrence of violations of the criminal provisions of the tax laws depends upon the implementation of a balanced program of enforcement based on the geographical and occupational coverage of the population and involving various types of alleged violations in all income brackets. This effort is supplemented by: (1) the identification of individuals who derive substantial income from certain illegal activities and violate the tax laws; (2) the identification of specific areas of non-compliance; and (3) the identification of special "high impact" cases involving major issues or significant dollar amounts.

This program has been successful in all of these areas. During the past year, criminal tax convictions have taken place in almost every state and across the full-range of legitimate (and illegal) occupational groupings. For example, the diversity of the geographical and occupational composition of this program's cases is evidenced by this sampling of defendants: a Massachusetts convenience store operator, a Florida pet ranch owner, a North Carolina farmer, a Washington real estate investor, a New Jersey corporate president, a Minnesota painting contractor, a Michigan CPA, a Utah attorney, an Oklahoma corporate officer, a California motion picture executive, a New York swingers-sex club owner, a California tax consultant, and a Texas tax return preparer. Many of these prosecutions involved a sophistication of fraudulent tax schemes which presented the most complex and technical tax issues such as tax shelters, church exemptions, constructive dividends, cost of goods sold, and the use of equity trusts. The resources necessary to successfully prosecute such cases are significant: two attorneys generally are involved because of the large number of witnesses and the extensive documentary evidence presented. Such variety has a significant influence on compliance throughout the United States.

This program also has been successful in cases involving major dollar amounts. For example, in *United States v. Carhill, Inc.*, (Minn.), a corporation entered a plea of guilty to two counts of subscribing false income tax returns for the fiscal years ending May 31, 1975 and May 31, 1976. The corporation admitted that it had failed to report approximately \$5,200,000 in dividends received from two foreign subsidiaries during the two years. In *United States v. Edward H. Ward, et al.* (M.D. Fla.), three members of a larose marijuana and cocaine smuggling conspiracy pleaded guilty to one count of attempted income tax evasion. The combined unreported tax liability was determined to be approximately \$1,000,000 for the years 1976 through 1978. Also, in *United States v. Larry L. Ivensen, et al.* (S.D. N.Y.), three owners of a New York swingers-sex club and their accountant were convicted on eleven counts of conspiracy and attempted income tax evasion for the years 1977 and 1978. The total combined corporate and individual tax liability was \$651,000 for the two-year period.

Similar success has been enjoyed in the prosecution of tax protesters. The case of *United States v. William P. Drexler, Sr., et al.* (S.D. Calif.), was a major prosecution of four tax protest leaders who promoted the sale of mail-order ministries under the name of the "Life Science Church." All four individuals were convicted, after a 15 month investigation and a six-week jury trial, on charges of conspiracy to defraud the United States by impeding and impairing the Internal Revenue Service in the assessment and collection of revenue. In addition to the conspiracy count, the two principal leaders were convicted on a total of 30 other counts, including failure to file individual income tax returns, individual income tax evasion, aiding and assisting in the preparation of false returns, and mail fraud. In *United States v. James R. Walsh* (Colorado), the defendant entered a plea of guilty to charges of mail fraud and conspiracy to defraud the United States by impeding and impairing the Internal Revenue Service in the assessment and collection of revenue. In that

case, the defendant promoted and sold so-called "pure equity trusts" to various individuals through a non-stock corporation. Approximately 3,000 of these "pure equity trusts" were sold with an annual tax impact of approximately \$30,000,000. In *United States v. Sam Rains* (M.D. Tex.), the defendant, a tax return preparer and tax protester, was convicted on all counts of a 10-count indictment charging him with failure to file individual income tax returns, aiding and assisting in the preparation of false returns and aiding and abetting the filing of false claims for refund. In this case, the defendant used the so-called "fair market value" method of computing income. Under this method, the defendant advised his clients to report their income on the basis of the current cost of a silver dollar. For example, if a coin shop sold one silver dollar for five federal reserve notes, the defendant advised his clients to report only 20 percent of their gross income.

Finally, the rate of voluntary compliance is influenced by the identification of specific areas of non-compliance and special "high-impact" cases. For example, in the area of tax shelters, in *United States v. Virland T. Whipple, et al.* (Utah), three individuals were convicted on a total of 13 counts of aiding and assisting in the preparation of false partnership returns and one count of subscribing to a false partnership return in connection with the promotion and sale of a fraudulent motion picture tax shelter. Limited partnership interests were sold to 220 investors. Returns were prepared which resulted in approximately \$6,448,094 in fictitious losses being distributed to the limited partners claiming the fictitious losses on their individual tax returns. In *United States v. George Osserman, et al.* (Mass), four promoters of a fraudulent coal tax shelter entered pleas of guilty to conspiracy to defraud the United States and aiding and assisting in the preparation of false tax returns. The scheme involved backdated partnership agreements and a lease for mineral rights owned by the United States Government. The promoters sold approximately 1,000 limited partnership interests in the tax shelter for more than \$20,000,000 in cash and the investors claimed approximately \$150,000,000 in false tax deductions on their 1976 individual tax returns.

	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease	
	Perm.	Pos.	WY	Perm.	Pos.	WY	Perm.	Pos.	WY	Perm.	Pos.
Judgment enforcement.....	10	10	\$360	10	10	\$370	10	10	\$370	...	...

Long-Range Goal: To collect in full, or to the maximum extent feasible, all outstanding judgments, fines, and appellate costs which are related to Tax Division cases and are due and owing to the United States.

Major Objectives:

- To maximize collection activities in the 90 days after a judgment is entered so as to ensure that collection contact is promptly made.
- To vigorously enforce the collection of all tax judgments.
- To increase the scope and depth of the background information included with each referral to the U.S. Attorneys, including, where appropriate, specific recommendations for further action.
- To monitor and account for payments due and owing in all revenue-producing cases handled by the Division.
- To transmit all payments received by the Tax Division pursuant to settlements and judgments to the appropriate Internal Revenue Service office, and in coordination with the Division's trial attorneys, to prepare appropriate pleadings for filing with the courts.

To utilize the automated data processing facilities available within the Division to meet the collections reporting requirements established by the Department and the Congress and to improve internal reporting capabilities.

Base Program Description: If the Federal system of self-assessment taxation is to function properly, individuals must have confidence in the Government's fair and consistent application of the internal revenue laws. This fairness and consistency extends to the actual collection of taxpayers' legally established monetary obligations to the United States. All civil cases under the jurisdiction of the Tax Division involving final monetary judgments in favor of the United States are transferred to the Judgment and Collection Unit, the organizational component which comprises this program, when initial collection efforts by trial sections have been unsuccessful. Criminal fines, however, are referred immediately to the program for the supervision of all collection activity. After a case has been received, it is reviewed by a paralegal who identifies potential areas of collection and formally opens the case by preparing a letter to the U.S. Attorney and the District Counsel, Internal Revenue Service. Additional information, if necessary, is requested from the Internal Revenue Service, the Federal Bureau of Investigation, or is gathered through the institution of supplementary proceedings by Division attorneys or Assistant U.S. Attorneys. In addition, requests are often made for specific court documents, such as those relating to the terms of probation or related civil actions.

When an offer in compromise is received from a taxpayer, it is this program's responsibility to research and prepare a memorandum for the Assistant Attorney General, making firm recommendations regarding acceptance or rejection. Before a recommendation with respect to a compromise offer is made, the proposal is referred to the Internal Revenue Service for its views. The Service's review usually includes an extensive financial investigation to determine whether the taxpayer's ability to pay is commensurate with the amount offered. This program also receives copies of all letters to taxpayers' counsel advising of the Department's acceptance of an offer providing for payment to the United States and monitors the collection of such amounts. If payment is not made in a timely manner, program staff advises the trial attorney and/or Review Section attorney, and follow-up procedures are initiated. This process may include the preparation of appropriate demand letters by the paralegal.

Case files are periodically reviewed to ascertain whether requested actions have been taken by the U.S. Attorneys, to determine what further actions might be necessary, and to decide whether any of the cases should be closed as uncollectible and returned to the Internal Revenue Service. (A case is closed and returned to the IRS when financial investigation reveals that the taxpayer has no assets, there is no present prospect for effecting collection, and future prospects for collection are poor). This program also is responsible for conducting periodic inspections which are designed to identify and act upon collection problems experienced in U.S. Attorneys' offices throughout the country. Such inspections involve the review of collection files, records, dockets, statistical reports, office procedures, and collection techniques employed by the Assistant U.S. Attorneys and their collection clerks.

Finally, as a result of an in-depth study of the Tax Division's procedures for the collection of civil judgments, a program of providing paralegal assistance to trial attorneys in their initial collection efforts was instituted. These procedures are designed to permit intensive collection activity during the first 90 days after a judgment is entered, and prior to the time a case is formally transferred to the Unit. Under this program, this program's staff assists attorneys in the preparation of demand letters, in asset identification and evaluation, in formal post-trial discovery, and in the verification of amounts actually collected through foreclosure, execution, or other means in all revenue-producing cases handled by the Division.

Accomplishments and Workload: The accomplishments of the Judgment Enforcement program are presented in the following table:

	(dollars in thousands)		
	1981	1982	Estimates 1984
Total Caseload			
a. Cases Pending, Start of Year	1,805	2,010	2,074
Amount Involved	\$78,803.2	\$95,229.2	\$102,694.7
b. Cases Received	983	642	1,120
Amount Involved	\$29,591.0	\$23,808.9	\$33,912.5
c. Cases Closed	778	578	1,025
Amount Involved	\$13,165.0	\$16,343.4	\$23,590.5
d. Amount Collected	\$5,878.9	\$4,615.7	\$8,298.0
			\$27,235.5
			\$9,098.0

The dollar estimates provided in this analysis, including amounts involved in cases pending, amounts involved in cases received or closed, and amounts collected, represent averages per case based on recent trends. Tax judgments fall into several disparate categories, each of which has to be considered separately. For example, suits to reduce assessments to judgment are made after the Internal Revenue Service has used its administrative remedies to attempt to effect collection for almost six years. These suits represent a last effort at collection, and the prospect of even partial collection is very poor. If there are known assets at the time suit is instituted, the Government will generally seek to foreclose the tax lien at the same time that the judgment is obtained. As to these suits, there will be immediate collection on entry of judgment (which is not reflected in the Judgment Enforcement statistics), followed by a period during which collection can be effected only from the debtor's after-acquired assets or earnings. If an action is instituted as a tax refund suit and the Government asserts a counterclaim, usually administrative collection efforts are suspended during the pendency of the action. It is this category of collection action which offers the greatest collection potential. In general, collection potential varies from judgment to judgment, and depends on the taxpayer's ability to pay. Other differences between cases are that excise tax judgments (for example, wagering or marijuana excises) will tend to be large, and generally impraisable to collect in full (indeed, any collection in these cases will be arduous), whereas income tax judgments will tend to be smaller but, in general, somewhat easier to collect.

	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease	
	Perm.	Pos.	Anticipated	Perm.	Pos.	Amount	Perm.	Pos.	Amount	Perm.	Pos.
Civil tax litigation activity.....	241	236	\$11,310	241	236	\$12,080	241	236	\$12,080	...	...

Long-Range Goal: To ensure the proper and uniform interpretation of the Internal Revenue laws, the maximization of Federal tax revenues, and the fair and efficient resolution of disputed tax matters through litigation to defend against taxpayers' claims, to recover outstanding tax liabilities, and to enforce Federal civil tax programs.

Major Objectives:

Defend effectively the amounts at issue in refund suits, so as to protect both the short-term and long-term tax revenue flow to the United States Treasury.

Defend successfully all injunction, declaratory relief, suppression, mandamus, and jeopardy assessment suits so as to uphold the legality of the Government actions involved and defend vigorously all tort actions so as to discourage "nuisance" suits and to prevent the harassment of Internal Revenue Service personnel.

Litigate swiftly and effectively all disputes emanating from bankruptcy proceedings, by providing legal support to court judgments, establishing Government priority in relation to other creditors, and collecting all non-dischargeable debts.

Maximize the collection of unpaid taxes through the successful litigation of all judicial proceedings for the recovery of unpaid tax liabilities.

Resolve equitably all legal conflicts which arise between a taxpayer's right to information concerning the policies and practices which the Internal Revenue Service follows in enforcing the tax laws, the ability of the Service to conduct tax investigations effectively, the limitations on Governmental disclosure of tax return information imposed by Code Sections 6103, 6110, and 7217, and the third-party confidentiality requirements imposed by the Freedom of Information Act (FOIA) and the Privacy Act.

Enforce rigorously all administrative summonses issued by the IRS, so that on-going tax investigations will not be impeded.

Develop a uniform and consistent national policy regarding the complex and constitutional issues presented in cases involving Federal immunity from state and local taxation and in cases under Code Section 7428, which governs the qualification of an organization for tax-exempt status as a religious, charitable, educational, or scientific organization.

Base Program Description: The activities of this program are divided into three distinct areas: litigation in defense of monetary claims; litigation for the recovery of money; and litigation to enforce Federal civil programs, which are discussed in detail below.

Because the Federal tax system, in the first instance, relies solely upon the taxpayer's self-assessment of his or her tax obligations, frequent controversies arise in which an Internal Revenue Service audit reveals a tax liability different from that previously determined by the taxpayer. Under the Federal tax system, a taxpayer facing an asserted additional income, estate, or gift tax liability has the option of either withholding payment and challenging the liability in the Tax Court or paying the amount in dispute and, after a period for administrative review, filing a suit for refund of the amount at issue in a United States District Court or the Claims Court. With respect to employment and excise taxes, however, the Tax Court option is not available. A refund suit, following at least a partial payment of the amount at issue, provides the taxpayer's only mechanism for judicial review. Similarly, a taxpayer who, independently of a tax audit, believes he or she has overpaid his or her tax obligation for a period for which a tax return has been filed may, after a period for administrative review, file a suit for refund in a United States District Court or the Claims Court. The trial of all refund suits brought against the United States in the District Courts and the Claims Court is the responsibility of the defense of monetary claims area of this program, while the trial of Tax Court cases remains the responsibility of attorneys in the Internal Revenue Service's field offices.

In addition to its handling of tax refund suits, this area also defends the interests of the United States in a variety of other taxpayer claims, including: (1) suits to enjoin the assessment or collection of taxes; (2) suits seeking to remove tax liens; (3) suits against the United States for torts allegedly committed in connection with the collection of taxes; (4) suits against individual Internal Revenue Service employees alleging tortious conduct with respect to the collection of taxes; (5) mandamus suits; (6) declaratory judgments; (7) wrongful levy actions; and (8) miscellaneous unconscionable suits against the United States.

When the efforts of the Internal Revenue Service to effect prompt collection of unpaid taxes through administrative action have failed, this program's recovery of money area is called upon to commence or participate in judicial proceedings to enforce collection of the unpaid taxes. When confronted with purely factual disputes in recovery litigation, this program encourages fair, equitable, and reasonable compromises based solely on the relative merits of each particular case. In those instances where the litigation involves the interpretation of specific tax laws, however, the objective is to obtain judicial decisions which will provide reasonable guidelines for carrying out uniform tax collection activities on a nationwide basis. The major responsibility in this area, in terms of numbers of cases, is bankruptcy litigation. This program becomes involved in these cases in the following instances: (1) proceedings which contest the substantive merits of a tax claim; (2) proceedings which contest the priority to be accorded the tax claim of the United States; (3)

complaints for determination of dischargeability of a tax claim; (4) complaints to sell property; (5) deferred payment or waiver of deposit; and (6) other types of bankruptcy proceedings.

Program attorneys are responsible for the conduct of a variety of other types of civil actions for the recovery of money. Among such cases are: (1) actions against taxpayers to collect unpaid tax assessments by reducing the liability to judgment; (2) suits to foreclose Federal tax liens upon real or personal property owned by the taxpayer, or in which they have an interest; (3) proceedings involving the enforcement of proofs of claim filed by the Internal Revenue Service in state court receiverships involving the liquidation of taxpayers' assets; (4) intervention in miscellaneous creditor proceedings in state courts involving liquidation of properties upon which the United States asserts a Federal tax lien or other claim for unpaid taxes; (5) suits against fiduciaries, third-party beneficiaries, sureties, and transferees at law and equity, to collect taxes from third-parties secondarily liable for outstanding tax liabilities; (6) suits against third-parties in possession of properties belonging to delinquent taxpayers for failing to honor administrative levies served upon them; (7) suits against third-parties for tortious conversion of property subject to tax liens; (8) suits brought for the appointment of receivers and sequestrators for the purpose of marshalling and liquidating assets and businesses of taxpayers; (9) suits brought against third-parties for the purpose of setting aside fraudulent conveyances by taxpayers; (10) actions brought to enforce proofs of claim for taxes filed in probate proceedings; (11) suits against banks to open safety deposit boxes belonging to delinquent taxpayers; (12) suits to recover erroneous refunds of taxes paid to the taxpayers by the Internal Revenue Service; (13) suits to collect trust fund employment taxes from third-parties who supply funds which are sufficient only for the payment of employees' net wages; and (14) interpleader actions, or actions in the nature of interpleader, involving properties upon which the United States has Federal tax liens. Finally, in addition to the primary litigation responsibilities discussed above, this program also has oversight responsibility for approximately 9,000 actions brought each year against the United States pursuant to certain provisions of 28 U.S.C., Section 2410.

This program's attorneys handle a variety of cases to enforce Federal civil programs. When a tax-law related problem reaches the level of a dispute between the taxpayer and the Internal Revenue Service or the Tax Division, the keystone to the judicial or administrative resolution of the dispute often centers around who can control or gain access to the information involved in the dispute. This program's staff is called upon to handle the following types of information access, use, or disclosure litigation: (1) the defense of suits against the IRS and the Division seeking access to agency records, seeking correction of agency records, or seeking to restrain the disclosure of agency records under the FOIA, the Privacy Act, and the relevant provisions of the Internal Revenue Code; (2) the defense of tort actions under Code Section 7217 against individual Internal Revenue Service agents and employees who have allegedly misused or improperly disclosed tax return information, either inadvertently or through "negligence" on their part; (decisions in such cases may have far-ranging effects on the methodology the Service must follow in gathering or using information, and adverse decisions can severely deplete active tax investigations); and (3) the representation of Internal Revenue Service personnel who are subpoenaed to testify and/or produce documents in lawsuits in which neither the Service nor the United States is an interested party. Often one of the parties to the private suit is a taxpayer who has a dispute with the Service, and the subpoena served on an Internal Revenue Service agent is designed to obtain information. Because of the requested disclosure's potential interference with an open tax investigation, as well as the disclosure limitations contained in Code Section 6103, the IRS employee must be represented by counsel to prevent unlawful disclosure of tax return information or information otherwise protected by law.

With respect to summons enforcement activities, it is becoming increasingly evident that rapid, aggressive, and competent representation of the Government in such litigation is necessary for the effective implementation of the entire Internal Revenue Code for two basic reasons. First, millions of audits, investigations, and collection activities are accomplished each year purely through voluntary cooperation by taxpayers and third-parties. In approximately 100,000 instances, an administrative summons is required to obtain necessary information, and of those, about 5,000 require litigation to compel compliance. It is difficult to assess the potential adverse effect of less vigorous attention to this litigation on the voluntary compliance system of taxation, although it would surely be significant. Secondly, a single adverse or questionable summons enforcement decision can cast doubt over a large area of summons authority, generate litigation, and take months or years to correct by curative litigation. In addition to the normal taxpayer

investigations conducted each year, as a result of investigations of multinational corporation slush funds, kickbacks and bribery and the continued emphasis on tax investigations of gambling, narcotics, and other organized crime activity, there has been an ever-growing investigative interest in the use of abusive tax sheltering, the tax protester movement, and the so-called "subterranean" economy, all of which have continued to generate summons enforcement cases and test the summons authority.

This program's staff also provides litigation support for declaratory judgment actions under the Code Section 7428, with respect to the initial or continued qualification of an organization claiming tax-exempt status under Code Section 501(c)(3) as an institution organized and operated for religious, charitable, scientific, or educational purposes. While these suits do not directly involve an immediate monetary claim, the court's determination often has a far-reaching tax impact on a particular organization and others similar to it, as well as on third-party donors. In addition, since these suits subject the administrative activity of the Internal Revenue Service to judicial scrutiny, they frequently have a tremendous impact upon the tens of thousands of private institutions claiming to be organized and operated for religious, charitable, scientific, or educational purposes. This litigation often involves extremely sensitive issues, such as what criteria should be applied in ascertaining whether an organization is organized and operated for "religious" purposes.

The final major area of responsibility involves efforts to ensure that Federal agencies and their contractors are not subjected to illegal or unconstitutional taxation by state and local governments. This program's unique tax-related experience has resulted in the savings of hundreds of millions of dollars for client agencies, including the Departments of Defense, Interior, Energy, and Labor and the Central Intelligence Agency. Because state and local governments are becoming more sophisticated in their attempts to tax activities or contractors of the Federal Government, the program now is facing an ever-increasing responsibility in defending such cases. Not only is there over \$350 million in controversy in current cases in this area but, because of the impacts of inflation and other budgetary pressures facing the states, the states have become more aggressive litigators and are enacting new legislation in an attempt to tax activities or contractors of the Federal Government.

Accomplishments and Workload: The accomplishments of the Civil Trial Litigation Activity are presented in the following table:

		Estimates		
		1981	1982	1983
1. Defense of Monetary Claims				
a. Tax Refund Cases				
	Pending	2,717	2,872	2,979
	Received	1,236	1,179	1,250
	Closed	1,081	1,072	1,200
b. Other Defense				
	Pending	783	754	833
	Received	831	980	950
	Closed	860	901	956
2. Recovery of Money				
a. Bankruptcy Cases				
	Pending	1,204	1,695	2,431
	Received	1,579	2,294	2,700
	Closed	1,088	1,558	2,000
b. Other Recovery				
	Pending	1,963	1,981	2,037
	Received	812	848	970
	Closed	794	792	880
c. Section 2410 Lien		7,468	8,980	9,000

3. Federal Civil Programs

a. FOIA/PA					
Pending	141	123	75	75	
Received	56	28	30	30	
Closed	74	76	30	30	
b. Summons Enforcement					
Pending	478	720	646	646	
Received	4,814	5,194	5,250	5,250	
Closed	4,572	5,268	5,250	5,250	
c. Intergovernmental Tax Immunity					
Pending	122	141	129	129	
Received	38	45	50	50	
Closed	19	57	50	50	
d. Other Enforcement Suits					
Pending	48	32	19	19	
Received	123	213	200	200	
Closed	139	226	200	200	

One major area of concern in this program is the increased caseload that has resulted from changes in the bankruptcy laws. These increases have resulted primarily from two factors: the Bankruptcy Reform Act of 1978 (Public Law 95-958) and the state of the economy. The Bankruptcy Reform Act of 1978 made several substantive revisions to the bankruptcy laws. For example, according to the Act, the Federal Government has no inherent right to first priority, and may, under Section 507, be sixth in line for a claim for unpaid taxes. Additionally, the Act provides wider protection to individuals and their personal possessions, thus changing the public's perception of personal bankruptcy from that of being a last resort to that of being a viable means of dealing with financial difficulties. Recent economic developments also have contributed significantly to the number of bankruptcies. According to Dun and Bradstreet, the number of business failures during the last year surpassed all recent years except one: 1933. There is every indication that this number will not stabilize.

During the past year, several significant cases were decided in the different areas of this program. In *Burlington Northern R.R. Inc. v. United States (Ct. Cl.)*, in an opinion filed on March 10, 1982, the Court of Claims rejected the plaintiff's claims for refund of \$10 million in tax plus interest, holding that the plaintiff failed to prove any reasonable useful life for railroad grading and tunnel bores. The plaintiff used a purported statistical method called "the actuarial method of life analysis," which previously had been approved by the Court of Claims and the Tax Court in cases involving railroad grading and tunnel bores. The Court was persuaded by the Government's well-prepared expert witnesses on statistics that plaintiff's so-called statistical proof was either merely unpersuasive or, as the concurring opinion put it, "an example of the pompous pseudo-science that so often goes down readily with courts and lawyers." In *Corrao v. United States (Nev.)*, on December 10, 1981, following a seven-day trial, a jury in Las Vegas, Nevada, returned a verdict for the Government in this tax refund suit seeking the recovery of approximately \$200,000 in tax and interest. This is the first "silver straddle" case to be adjudicated in any court. The issue was whether certain options and commodity transactions, purportedly entered into over the London silver market, were entered into by plaintiffs for profit. This is the first "silver straddle" case to be decided, but hundreds more are pending in the Tax Court. The Internal Revenue Service estimates that pending court and administrative claims involving this issue exceed \$500,000,000.

Another group of significant cases, from a precedential standpoint, are those involving actions seeking judicial review of jeopardy and termination assessments under Section 7429 of the Internal Revenue Code. In six similar cases, the United States District Court for the Southern District of Florida dismissed such actions on the Government's motion, charging lack of venue, holding that aliens are not residents of the District for purposes of venue, and therefore, the Court could not hear the action. Section 7429 of the Code provides

for a quick summary proceeding to determine whether a termination or jeopardy assessment is reasonable under the circumstances and specifically provides that a civil action seeking review of such an assessment shall be brought by an individual only in the judicial district in which he resides. Aliens, even resident aliens, are not residents of any judicial district for purposes of venue, and accordingly, cannot bring these actions. This holding is most significant in Southern Florida, where large numbers of jeopardy and termination assessments are made against aliens who are involved in drug trafficking. In the cases which the Government has successfully challenged on this basis, total tax assessments have been permitted to stand in the amount of \$35,031,007. These cases included Ruberto Botero v. United States, Civil Action No. 81-957-CIV-FPS (S.D. Fla.) and subsequent cases, Botero, Prosser, Cottlieb, Vasquez, and Bernandez.

In LaJolla Bank and Trust Co. v. United States, et al. (S.D. Cal.), on January 25, 1982, the District Court denied a motion for summary judgment filed by certain churches in this Interpleader action. Plaintiff, which was served with a levy by the Internal Revenue Service in connection with the Federal tax liability of William E. Drexler, Sr., holds the proceeds of \$275,000 in cashier's checks purchased by Drexler and his son, William E. Drexler, Jr., in the name of the Life Science Church and transferred to the Life Science Church of Christ of Grand Cayman Island. The central issue concerns ownership of the funds in question. There are substantial Federal tax assessments against the Drexlers, both of whom are well-known tax protesters who were recently convicted of criminal tax violations. The United States should be entitled to the funds if they belonged to either of the Drexlers. The churches claim that the money belongs to them. The District Court determined that the matter was not presently appropriate for summary judgment and ordered the Royal Bank of Canada, the bank that presented the cashier's checks for collection, to produce the records of their Grand Cayman Island branch concerning the account of the Life Science Church at that bank.

A further example of this program's activity is Firestone Tire & Rubber Company v. Department of Justice, Civil Action No. 80-2616 (DC DC). In this FOIA suit, the plaintiff sought access to seven prosecution memoranda prepared by staff attorneys of the Division's Criminal Section and a U.S. Attorney's office. These memoranda discussed evidence and defenses and contained recommendations regarding potential criminal prosecution of the plaintiff for violations of the Internal Revenue Code. Eventually, the plaintiff pled guilty to two counts of filing false returns. The plaintiff is now contesting a proposed civil tax assessment amounting to in excess of \$34,000,000 which involves most of the issues considered in connection with the criminal case. Plaintiff is particularly interested in learning why certain issues were declined for prosecution. It believes that this information will be of great assistance to it in contesting the civil tax assessment. The District Court granted the motion for summary judgment holding that the prosecution memoranda were exempt from disclosure in toto on the basis of the attorney work-product doctrine incorporated in Exemption (b)(5) of the FOIA. The Court found that the work-product doctrine applied so long as there was an open civil case which Tax Division attorneys could eventually become involved in and indicated, without deciding, that the work-product doctrine should apply even after litigation had ended. The Court also found that no portions of the memoranda were segregable as the memoranda contain factual hypotheses and professional opinions which the Court easily characterized as "opinion" work-product. Plaintiff filed a Notice of Appeal three days after the decision in favor of the Government. Significantly, the appellate court in Firestone went further than just dealing with the work product privilege, and also found, based upon an in camera inspection of the memoranda, that the documents were "pre-decisional analyses, impressions, and recommendations," which are exempt from disclosure.

Continued investigative interest in the use of abusive tax shelters, the "tax-protester" movement, and the "subterranean" economy have continued to generate summons enforcement cases and to test the summons authority. For example, in United States, et al. v. Island Trade Exchange, Inc., et al. (E.D. N.Y. - March 6, 1982) and United States, et al. v. Exchange Enterprises, et al. (N.D. Tex. - March 9, 1982), both District Courts ordered the enforcement of John Doe summonses which had been served in accordance with judicial authorization obtained in ex parte proceedings pursuant to Section 7609(f) of the Internal Revenue Code upon the respondent barter exchanges to obtain members' names and transaction records for the years under investigation. In both cases, the District Courts determined that prior IRS audit experience revealing a high incidence of improper reporting practices by barter exchange members provided a reasonable basis for believing that the members of these particular exchanges may not have complied with the Internal Revenue laws. The Sixth Circuit Court of Appeals, in another recent decision (United States v. Columbus Trade Exchange), reached the same conclusion. Finally, in United States v. State of Tennessee, City of Oak Ridge, Tennessee, and Hurlin R. Olsen, Commissioner of Revenue (P.D. Tenn.), the District Court

granted the Government's motion for summary judgment declaring that a Tennessee tax on the production of enriched uranium is unconstitutional as applied to the Federal Government's contractor, because the tax discriminates against the United States and its contractors and because the tax is imposed on an exclusive Federal activity, in violation of the Supremacy Clause. Under this decision, the savings to the United States is approximately \$2.5 million per year.

	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease	
	Perm.	Pos.	WY	Amount	Perm.	Pos.	WY	Amount	Perm.	Pos.	WY
Management and Administration.....	110	124	\$4,249	106	119	\$4,453	106	119	\$4,453	...	...

Long-Range Goal: To provide continuing direction, focus, and leadership to all Division programs; to promote the maintenance of a thorough, fair, and timely settlement review process; to monitor and provide timely review, analysis of, and comment on proposed legislation affecting the Division and the internal revenue laws; to ensure the fulfillment of the Division's administrative responsibilities under the FOIA, the Privacy Act, and Section 6103 of the Internal Revenue Code; and to provide essential administrative support services.

Major Objectives:

To ensure the maintenance of precise, consistent, and uniform litigating positions and to enhance Division liaison and relations with the Internal Revenue Service.

To determine which cases should be conceded or defended and to negotiate and/or evaluate controversial settlements or those which are particularly significant in terms of issues and/or money.

To identify, and to review thoroughly, proposed legislation of interest to the Division, to respond to all inquiries in the legislative area, and to bring to bear this program's expertise in tax litigation upon the development of legislative solutions to frequently recurring problem areas.

To conform to both the legislatively prescribed response deadlines and statutorily mandated tax return information confidentiality requirements in the handling of FOIA and Privacy Act matters.

To provide essential administrative support services to all programs of the Tax Division through both the continued performance of current activities and the identification of those areas in which administrative management techniques, modern office practices and equipment, and other innovations can be initiated to support the Division's overall mission.

Base Program Description: The Policy Development and Implementation/Management activity provides leadership for the Tax Division in all areas of its litigation responsibilities, and its staff personally represents the Division's position on a variety of issues of interest to client and other outside agencies, the Congress, and various public interest organizations. Organizationally, this activity's staff encompasses the Assistant Attorney General and his immediate policy staff and the staff of the Review Section. This activity is responsible for: (1) providing civil and criminal tax litigation policy leadership, guidance, and support; (2) promoting effective communication flows and strengthened liaison with the Internal Revenue Service and other client agencies; (3) developing and reviewing the Division's major litigation decisions in order to ensure that appropriate and uniform national policies are being developed and maintained; and (4) negotiating and/or evaluating and making recommendations on these compromises effected by the Division which (a) involve sharp differences of opinion, (b) are particularly significant in terms of issues involved, (c) involve substantial monetary

concessions by way of compromise in excess of the authority delegated to the Chiefs of the Civil Trial, Claims Court, and Appellate Sections, or (d) are required by statute to be referred to the Congressional Joint Committee on Taxation.

The Legislative Support activity staff, under the direction of the Special Legislative Counsel, is responsible for reports to the Congress, the Office of Management and Budget, the Office of Legal Policy, and the Office of Legislative Affairs concerning pending or proposed legislation; coordinating the Division's legislative efforts; and identifying legislative proposals of interest to the Division and developing the Division's views. This activity's workload has expanded rapidly during the past several years, with the result that it must rely on the support of the Department's leadership and senior experts from each of the litigating sections to assist in the performance of these activities. Coordination with the Office of Legislative Affairs, Office of Chief Counsel and the Commissioner, Internal Revenue Service, the Assistant Secretary of the Treasury for Tax Policy, and the Tax Legislative Counsel for the Treasury is essential.

In the FOIA/PA administrative area, the Freedom of Information and Privacy Unit is responsible for developing and coordinating the Division's responses to all taxpayer requests under the Act and related statutory provisions, and for handling administrative appeals arising from the denial of such requests. This unit, as a result of the continual pressures of legislatively or court-mandated response deadlines, has, on occasion, required staffing assistance from the Division's other sections. The sensitive nature of this Unit's activities requires frequent staff contact with the Assistant Attorney General and his Deputies, as well as with the Department's Freedom of Information Appeals Unit.

Finally, Administrative Services is divided into four basic components: (1) the Executive Office, which has responsibility for providing the overall control and guidance to the Section; (2) the Financial Management Policy Staff, which has responsibility for the financial management, post-litigation document processing, and management analysis functions; (3) the Management Information Policy Staff, which has responsibility for the development, coordination, and maintenance of the Case Management System; and (4) the General Support Services Staff, which is responsible for the personnel management, resource services, and case and file control components of the Section.

Accomplishments and Workload: The accomplishments of the Management and Administration program are presented in the following table:

	Estimates			
	1981	1982	1983	1984
1. Settlement Review:				
a. Cases Pending	101	142	132	132
b. Cases Received	542	500	550	560
c. Cases Closed in Review Section	413	420	450	460
d. Cases Closed at Higher Levels	97	90	100	-100
2. FOIA/PA:				
a. Initial Requests Pending	177	196	165	165
b. Initial Requests Received	271	192	200	200
c. Initial Requests Handled	252	223	200	200
d. Admin. Appeals Pending	18	13	7	7
e. Admin. Appeals Received	2	6	12	12
f. Admin. Appeals Handled	7	17	12	17
				46

With respect to the legislative support activity, substantial efforts were expended on: proposals to permit awards of attorney fees against the Government in tax cases, including cases before the Tax Court; implementation of the Equal Access to Justice Act, which authorizes Article III courts to award attorney fees against the Government; amendment of Internal Revenue Code Section 7609 which deals with summonses issued to third-party recordkeepers; amendments to Code Section 6103 which restricts access to tax returns and tax information; amendments to the Freedom of Information Act; legislation to restructure the Court of Claims and to create a Court of Appeals for the Federal Circuit; and Regulatory Reform Act; amendments to the Federal Tort Claims Act; debt collection legislation; and proposed changes in the Federal Rules of Civil and Criminal Procedure.

Because of the rapidly evolving developments in the freedom of information and privacy area, it has been difficult to develop quantitative performance measures to depict the activities of the FOIA/PA administrative request area. However, the current workload data illustrate one basic area of concern: the number and complexity of the legal and administrative problems associated with these requests have dramatically increased as the private tax bar has begun to perceive the advantages associated with filing FOIA and Privacy Act requests also are being filed by private litigants as a discovery tool in litigation in non-tax controversies to obtain information gathered by the Government in the tax area.

The accomplishments of the Administrative Services component are a product of the effectiveness and efficiency of operational support and the quality of administrative management advice provided to all other programs of the Tax Division. In the past year, emphasis has been placed on financial management, the provision of management information, the implementation of new personnel mechanisms such as the Senior Executive Service and Merit Pay Systems and the initiation of a comprehensive performance evaluation system, and the study of resource use to ensure cost efficient office services (supply, mail flow, etc). Specifically, in the financial management area, this unit has expanded its participation in and use of the Department-wide Financial Management Information System (FMIS) as a part of its effort to provide an accurate accounting and projection of Division obligations and expenditures. In the area of management information, this program has devoted considerable effort to refining monthly statistical reports, developing appropriate case status action elements, and improving the capability for use of the attorney time-reporting system so that legal managers can incorporate this information to aid them in making resource and case management decisions. In addition, procedural and organizational changes have been made to permit the capture of case information at earlier stages in order to improve the system's timeliness.

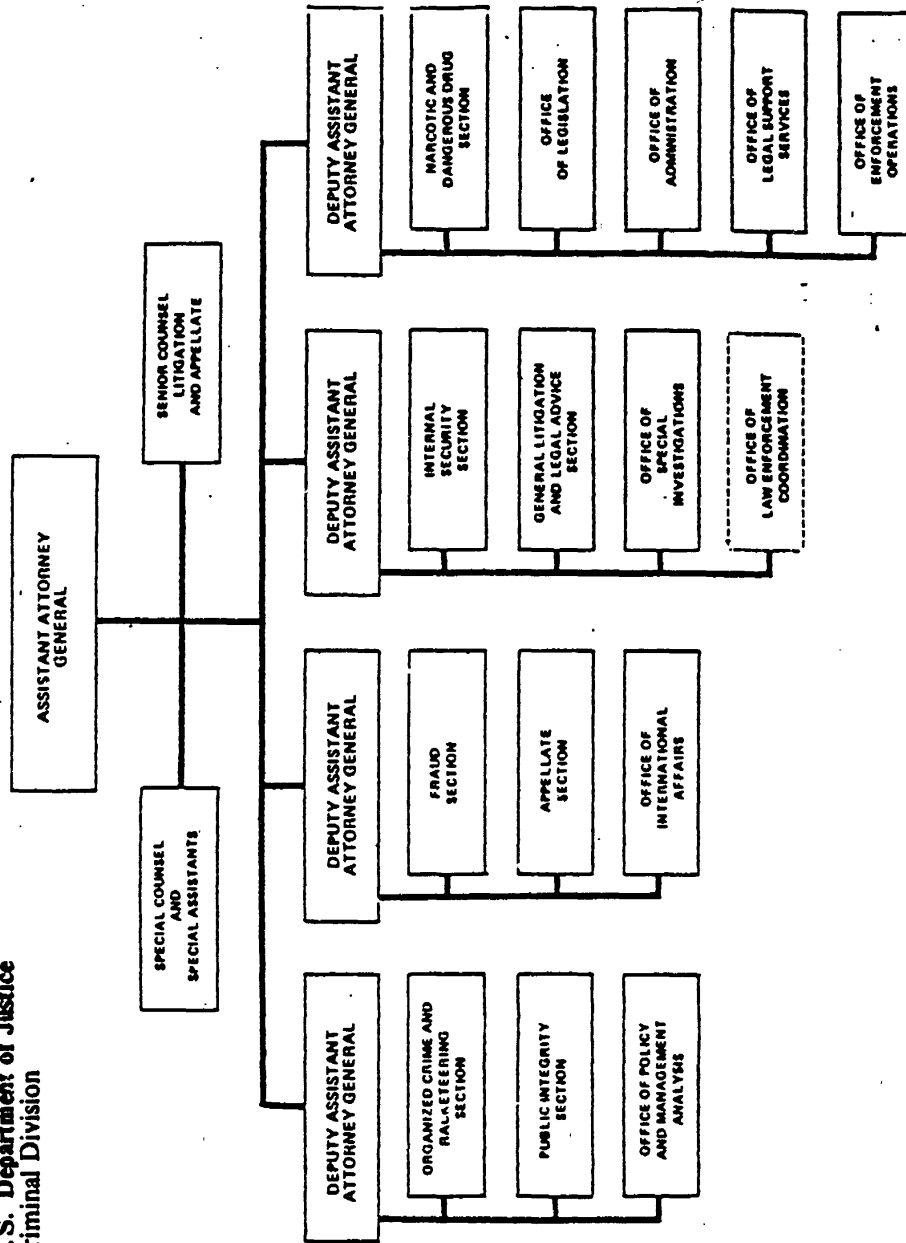
Tax DivisionSalaries and expenses, General Legal ActivitiesPriority Rankings

<u>Program</u>	<u>Base Program</u>	<u>Ranking</u>
Management and Administration		1
Criminal Tax Prosecution		2
Judgment Enforcement		3
Civil Tax Litigation Activity		4
Federal Appellate Activity		5

Tax Division
Salaries and expenses, General Legal Activities
Detail of Permanent Positions by Category
Fiscal Years 1982-1984

Category	1982 Authorized	1983 Authorized	1984 Request
Attorneys	270	270	270
Paralegal Specialists.....	19	19	19
Other Legal and Kindred.....	27	27	27
General Admin. Clerical and Office Services.....	218	218	217
Accounting and Budget.....	4	4	4
Library and Archives Group.....	3	3	...
Total.....	541	541	537
Washington.....	522	522	518
U.S. Field.....	19	19	19
Total.....	541	541	537

U.S. Department of Justice
Criminal Division



Criminal Division
Salaries and expenses, General Legal Activities
Crosswalk of 1983 Changes
(Dollars in thousands)

Activity/Program	1983 President's Budget Request		Congressional Appropriation Actions on 1983 Request		Reprogrammings		1983 Supplemental Requested		1983 Appropriation Anticipated	
	Pos.	WY Amt.	Pos.	WY Amt.	Pos.	WY Amt.	Pay		Pos.	WY Amt.
Federal appellate activity.....	35	33 \$1,647	...	...	-3	-3 \$-131	\$61		32	30 \$1,571
Organized crime prosecution.....	241	233 11,352	...	...	-1	-1 -3 +125	420		240	230 11,855
Public Integrity.....	36	36 1,976	...	...	...	...	63		36	36 1,970
Fraud.....	84	80 4,716	...	...	...	...	147		84	79 4,651
Narcotic & dangerous drug prosecution.....	39	38 1,729	...	...	...	...	68		39	38 1,942
Internal security.....	35	33 1,720	...	...	...	...	61		35	33 1,688
General litigation & legal advice.....	63	60 2,769	...	...	-11	-8 -73	105		52	52 2,790
Office of special investigations.....	50	51 2,753	...	...	-1	-1 -308	86		49	50 2,522
Prosecution support.....	85	83 3,619	...	...	...	...	149		85	85 3,392
Management & administration.....	87	90 3,788	...	...	+5	+7 +131	161		92	97 4,065
Total.....	755	737 36,069	...	...	-11	-7 -813	1,321		744	730 36,416

Congressional Appropriations Actions

The Congress reduced the General Legal Activities Appropriations 1983 request by \$437,000 based on its decision to hold the 1983 standard level users charges (SUIC) amounts at the rates incurred during 1982. The Criminal Division's portion of this reduction is \$131,000.

Reprogrammings

The reprogramming of \$1,359,000 to the Civil Division from the other legal divisions including \$463,000 from the Criminal Division represents the Department's priority placed on the continuation of the project to automate litigation support activities in the Civil Division during 1983. Also, a reprogramming of 11 positions, 7 workyears and \$350,000 is proposed from the Criminal Division to the Civil Division in 1983 to relocate responsibility for civil immigration litigation into the Civil Division. An internal reprogramming of 5 positions, 9 workyears and \$867,000 is based upon a technical adjustment which involves a redistribution of personnel compensation to coincide with personnel allocations and related support costs based on actual usage. This adjustment does not affect program emphasis or change the level of effort in program activities.

Supplemental Requested

The pay request provides \$1,321,000 to meet increased pay requirements (Executive Order 12387, October 3, 1982 as modified by P.L. 97-248, the Tax Equity and Fiscal Responsibility Act of 1982 and P.L. 97-377, Further Continuing Appropriations).

Criminal Division
Salaries and expenses, General Activities

Summary of Requirements
(dollars in thousands)

Adjustments to base:

	Perm. Pos.	Work- years	Amount
1983 as enacted.....	755	737	\$35,938
Reprogramming to Civil Division for litigation support activities.....	...	...	-463
Reprogramming to Civil Division for civil immigration litigation.....	...	...	-350
1983 Pay supplemental requested:			Amount
Increased pay costs.....	-11	-7	\$1,139
Medicare costs.....			208
Amount absorbed.....			-26
Net pay supplemental.....			1,321
1983 Appropriation anticipated.....	744	730	36,446
Transfer to Justice Management Division for Library consolidation.....	-3	-3	-180
Uncontrollable increases:			
Annualization of 1983 pay increases.....	...	...	7
Annualization of Executive Level and SES pay increases.....	...	...	73
Annualization of Medicare.....	...	...	69
Within-grade increases.....	...	...	275
Health benefits costs.....	...	...	74
Standard Level User Charges (SUC).....	...	...	2,326
GSA recurring reimbursable services.....	...	...	29
Postal Service redistribution.....	...	...	72
Federal Telecommunications System (FIS) rate increase.....	...	...	45
CSP Telephone rate increase.....	...	...	21
Telephone system line charge increase.....	...	...	55
GPO printing costs.....	...	...	2
Full-field investigations.....	...	...	8
Employee data and payroll services.....	...	...	8
General pricing level adjustment.....	...	...	214
Total, uncontrollable increases.....	...	...	3,278
Decreases:			
(One less compensable day.....)	...	...	-105
Nonrecurring costs for change in hourly rate.....	...	...	-59
Annualization of reprogramming to Civil Division for civil immigration litigation.....	...	...	-227
Total, decrease.....	...	...	-391
1984 Base.....	741	723	39,153

	1982 as enacted	1982 Actual	1983 Appropriation	1984 Base	1984 Estimate	Increase/Decrease
	Perm.	Perm.	Perm.	Perm.	Perm.	Perm.
	Pos.	Pos.	Pos.	Pos.	Pos.	Pos.
Estimates by						
Budget activity						
1. Criminal	766	719	744	741	714	-9
matters..	766	719	744	723	\$40,110	\$977
						52

Criminal Division
Salaries and expenses, General Legal Activities
Summary of Resources by Program
(Dollars in thousands)

Estimates by Program	1982 as Enacted			1982 Actual			1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease		
	Perm.	WY	Amt.	Perm.	WY	Amt.	Perm.	WY	Amt.	Perm.	WY	Amt.	Perm.	WY	Amt.	Perm.	WY	Amt.
Federal appellate activity.....	35	34	\$1,612	35	33	\$1,607	32	30	\$1,571	32	29	\$1,630	32	28	\$1,610	...	-1	...
Organized crime prosecution....	241	235	11,230	241	-220	11,194	240	230	11,855	240	230	13,337	240	228	13,561	...	-2	\$227
Public integrity (corruption)...	36	36	1,810	36	34	1,804	36	36	1,970	36	36	2,087	36	35	2,087	...	-1	...
Fraud.....	95	84	4,717	95	85	4,701	84	79	4,651	84	79	4,916	84	79	4,916	...	...	...
Narcotic & dangerous drug prosecution.....	39	38	1,768	39	37	1,762	39	38	1,942	39	38	2,064	39	37	2,064	...	-1	...
Internal security.....	35	33	1,479	35	32	1,476	35	33	1,688	35	33	1,797	35	33	1,797	...	...	...
General litigation & legal advice.....	63	60	2,673	63	55	2,664	52	52	2,790	52	49	2,805	52	48	2,903	...	-1	98
Office of special investigations.....	50	51	2,388	50	45	2,382	49	50	2,522	49	50	2,676	49	50	2,676	...	...	...
Prosecution support.....	85	84	3,338	85	88	3,328	85	85	3,392	82	82	3,479	82	82	3,479	...	...	...
Management & administration....	87	92	3,796	87	90	3,782	92	97	4,065	92	97	4,362	92	94	5,014	...	-3	652
Total.....	766	747	34,811	766	719	34,700	744	730	36,446	741	723	39,153	741	714	40,130	...	-3	977
Other Workyears																		
Holiday.....	...	...		...	...		...	...		...	...		...	...		...	...	...
Overtime.....	...	2		...	3		...	2		...	2		...	2		...	...	...
Total compensable workyears.....	749			722			732			732			716				-9	

Criminal Division

Salaries and expenses, General Legal Activities

Justification of Program and Performance

Activity Resource Summary
(Dollars in thousands)

Activity: Criminal matters	1983 Appropriation Anticipated			1984 Base			1984 Estimate			Increase/Decrease		
	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount
Federal appellate activity.....	32	30	\$1,571	32	29	\$1,630	32	28	\$1,630	...	-1	...
Organized crime prosecution.....	240	230	11,855	240	230	13,337	240	228	13,564	...	-2	\$227
Public integrity (corruption).....	36	36	1,970	36	36	2,087	36	35	2,087	...	-1	...
Fraud.....	84	79	4,651	84	79	4,916	84	79	4,916	...	...	...
Narcotic & dangerous drug prosecution.....	39	38	1,942	39	38	2,064	39	37	2,064	...	-1	...
Internal security.....	35	33	1,588	35	33	1,797	35	33	1,797	...	...	...
General litigation & legal advice.....	52	52	2,790	52	49	2,805	52	48	2,903	...	-1	-98
Office of special investigations..	49	50	2,522	49	50	2,676	49	50	2,676	...	...	...
Prosecution support.....	85	85	3,392	82	82	3,479	82	82	3,479	...	...	...
Management & administration.....	92	97	4,065	92	97	4,362	92	94	5,014	...	-3	652
Total.....	744	730	36,446	741	723	39,153	741	714	40,130	...	-9	977

This budget activity includes resources for the primary missions of the Criminal Division. Funds requested for this activity support personnel involved both at headquarters and in the field in the prosecution of over 900 criminal statutes.

	1983 Appropriation Anticipated		1984 Base		1984 Estimate		Increase/Decrease					
	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount				
Federal appellate activity.....	32	30	\$1,571	32	29	\$1,630	32	28	\$1,630	...	-1	...

Long-Range Goal: To secure favorable judicial interpretations in order to further the administration of criminal justice.

Major Objectives:

To handle criminal appeals referred to this program by other units of the Division and by the United States Attorneys.

To maintain the current high level of expertise in the timely handling of Supreme Court legal work in cooperation with the Solicitor General's Office.

To advise attorneys in the offices of the United States Attorneys with respect to criminal appeals filed in courts of appeals (Court of Appeals Review Unit) and to formulate appellate strategy with respect to all district and appellate court decisions adverse to the United States in criminal cases (Appellate Memorandum Coordination Unit).

To facilitate quality in government briefs filed in courts of appeals by providing coordination, guidance and written assistance to Federal prosecutors government-wide and to provide court of appeals level appellate advocacy training to attorneys in this as well as other programs in order to develop and maintain competency in this specialized area of litigation.

Base Program Description: This program is responsible for the preparation and assistance in the preparation of legal briefs and memoranda in Criminal Division cases before the Supreme Court and in twelve of the circuit courts of appeals. It endeavors in a timely fashion to evaluate critically and respond appropriately to petitions for certiorari to the United States Supreme Court; to prepare briefs on the merits in the Supreme Court filled in criminal cases within the jurisdiction of the Criminal Division; to evaluate critically district and appellate court decisions adverse to the United States rendered in criminal cases; and to brief and argue as lead counsel a significant number of court of appeals cases. On occasion, the program also writes legal opinions to the Assistant Attorney General of the Criminal Division.

In the courts of appeals, it is often preferable that certain criminal cases be handled and coordinated at a national level, not only to foster a consistent policy, especially when the issues presented are of nationwide significance, but also to supply all courts of appeals with the government's best unified thinking on national legal problems. Thus, while most court of appeals cases are briefed and argued by government attorneys outside the Division, government attorneys are able to depend upon the review, recommendations, coordination, policy and legal advice from the program. Finally, the program assists any United States Attorney's office, when it is temporarily overburdened, with the preparation of legal briefs.

Operationally, line attorneys research and draft legal briefs and memoranda which are reviewed by senior attorneys within the program. To expedite responses to Supreme Court filings, senior attorneys distinguish those cases deserving extended response from those requiring little or no attention.

Accomplishments and Workload: During 1982, the Appellate program participated in the briefing of 13 Federal cases in the Supreme Court and 6 other cases in which the Federal Government participated as an amicus curiae; it briefed 179 cases in the courts of appeals; it processed 804 cases where decisions were entered adverse to the Federal Government or decisions were rendered which might merit amicus curiae participation by the Federal Government; and, it provided legal advice and assistance to United States Attorneys' offices. Accomplishments and workload of the Appellate program are presented in the following tables.

	1981 (Actual)				1982 (Actual)				1983 & 1984 (Estimated)			
	A.	B.	C.	D.	A.	B.	C.	D.	A.	B.	C.	D.
Briefs in opposition to certiorari petitions.....	362	3	1,086	4.7	326	3	978	4.3	360	3	1,080	4.7
Court of Appeals briefs and arguments.....	219	14	3,066	13.3	179	14	2,506	10.9	200	14	2,800	12.2
Supreme Court briefs on the merits (including amicus curiae).....	11	19	209	0.9	19	19	361	1.6	20	19	380	1.7
Government petitions for certiorari.....	15	11	165	0.7	13	10	130	0.6	10	10	100	0.4
Advisory memos to Solicitor General for further review.....	521	3.0	1,563	6.8	526	2	1,052	4.6	700	0.5	350	1.5
Appellate recommendation memoranda.....	791	0.5	396	1.7	804	0.5	402	1.7	970	0.02	19	0.1
Supreme Court waivers of response.....	925	0.05	46	0.2	1,019	0.02	20	0.1	230	1.0	345	1.5
Court of Appeals Review Unit.....			230	1.0			230	1.0			690	3.0
Non-case specific.....			345	1.5			345	1.5				
Supervisory.....			690	3.0			690	3.0				
Total estimated attorney workyears performed.....				33.8				29.3				27.0
Performance measure: WY performed			33.8 = 1.36				29.3 = 1.33				27.0 = 1.23	
WY available		25				22				22		

Legend: A. Number of cases/matters; B. Average attorney workdays required per case/matter; C. Total attorney workdays required; D. Total attorney workyears required based on 230 days per workyear.

Program Changes: This program will be decreased by one other-than-full-time permanent workyear. While this will marginally decrease staffing flexibility with respect to the hiring of temporary support personnel, e.g., Summer Law Interns and temporary clerical staff, this decrease is not expected to negatively affect current program activities, priorities or operations.

1983 Appropriation	Anticipated			1984 Base			1984 Estimate			Increase/Decrease		
	Perm. Pos.	WY Amount		Perm. Pos.	WY Amount		Perm. Pos.	WY Amount		Perm. Pos.	WY Amount	
Organized crime prosecution.....	240	230	\$11,855	240	230	\$13,337	240	228	\$13,564	...	-2	\$227

Long Range Goal: To reduce the influence of major organized criminal activities on the economic, political and social conditions of this country by means of successful investigation and prosecution.

Major Objectives:

- To conduct the efficient investigation and successful prosecution of all major organized crime matters, according both to the general priorities established by the Department and to specific priorities based on special local conditions found in the various jurisdictions.
- To review on a continuing basis the law enforcement requirements of areas where there is significant organized crime activity, and to adjust resource commitments to address those needs.
- To initiate new investigative approaches and ensure full and appropriate use of all legislative and other tools effective in organized crime prosecution.
- To perform all necessary management functions to ensure program efficiency and to monitor effectiveness by means of regular, formal reviews of Strike Force operations.
- To provide prosecutive support and assistance to other Federal, state and local officials combatting organized crime.
- To maintain national liaison, planning and coordination among all Federal agencies involved in organized crime law enforcement.

Base Program Description: The resources of the Division's organized crime program have been directed at those organized crime groups which appear to pose the greatest threat to the economic, political and social well-being of the country. Most of the attorneys in this program are assigned to Organized Crime Strike Forces and field offices located in 24 major cities where organized crime is viewed as most influential and, therefore, constituting the greatest threat. The program's Washington-based office is responsible for overseeing the activities of the

Strike Forces, and ensuring that they comply with the four general priority areas established for the program: labor-management racketeering, business infiltration, public corruption and narcotics. The policy guidance provided to the individual Strike Forces is also tailored to accommodate special regional considerations. Each individual Strike Force is responsible for coordinating the Federal effort against organized crime within its assigned region. In cooperation with the U.S. Attorneys and with state and local authorities, a Strike Force identifies the major organized crime activities, conducts the appropriate investigations, and prosecutes the targeted offenders. Each Strike Force is composed of Criminal Division attorneys, investigators from virtually every Federal agency concerned with organized crime, and, in many cases, representatives of state and local agencies. This interagency approach means that more information is shared; that competition among agencies and duplication of effort are reduced to a minimum, thereby conserving resources; and, that the expertise of a variety of disciplines is marshaled for a unified, more comprehensive approach to the problem. Attorneys in the Strike Forces are brought into an investigation at its inception to determine whether the case has sufficient merit to be continued, in light of the established priorities, and to ensure that the conduct of the investigation both complies with all applicable legal requirements and takes advantage of the most effective statutory tools available. The Washington office is responsible for assessing the relative needs of different cities and districts for Strike Force attention. Finally, the objective to maintain liaison among all Federal agencies involved in organized crime law enforcement is being addressed at two levels. First, the fact that each of the Strike Forces is composed of representatives of virtually all these agencies means that an effective liaison is maintained at the working level through day-to-day, on-the-job contact. Prosecutors and investigators work side-by-side on their joint cases, and Strike Force heads are in constant communication with the managers of the investigators' respective agencies. Second, at the national level, the chief of the program chairs the National Organized Crime Planning Council (NOCP), which meets almost every month. The members represent all the Federal agencies combatting organized crime, and the primary purposes served are achieving a consensus on planning national efforts, evaluating Strike Force activities, maintaining liaison among Federal agency directors, sharing information, and identifying and resolving common problems.

Accomplishments and Workload: The following cases are presented to illustrate the ways in which the program has succeeded in the prosecution of priority organized crime matters through appropriate adjustments of its resource allocations to meet changing needs and the effective utilization of the most practical tools available:

In the field of public official corruption, the ASCOM series of prosecutions was successfully completed with conviction of former Senator Harrison Williams. In addition, Carlos Marcello, mob boss of New Orleans, La., was convicted of bribery in the award of State of Louisiana insurance contracts in the aftermath of the BRILAB undercover investigation. Marcello and Los Angeles syndicate leader Samuel Sciortino were convicted of an attempt to bribe the Federal judge presiding at Sciortino's extortion trial. A mob member in Detroit was convicted of bribing a high-ranking employee of the Federal Government after extensive electronic surveillance.

Cases involving mob infiltration of legitimate business are highlighted by prosecution of a Brooklyn mob member and his associates who were convicted of extortion of local businessmen and smuggling untaxed cigarettes, using evidence derived from electronic surveillance and undercover operations. Mob associates who drove a publicly-traded company into bankruptcy were convicted in Philadelphia. The top Genovese family operative in Florida, Albert Facciano, was convicted of loansharking relative to a loan to a dress manufacturer.

The premier drug case completed during the year was the conviction of twenty-five Boston syndicate operatives for PCP, cocaine, and marijuana violations, using undercover techniques. The PCP ring had operated from within a state prison. In Detroit, the seizure of 22 pounds of heroin imported from Sicily resulted in a sentence of over 8 years for the importer. Drug rings in Miami, Honolulu, and Atlanta

were also shattered permanently. The largest drug dealer in metropolitan Detroit, Frank Lee Usher, was sentenced to serve 15 years for crimes and drug violations. At least 13 years of that sentence will be served without the possibility of parole.

In Philadelphia, Italian mafiosi Vito Buzzetta was found guilty of an attempt to sell a kilo of 80% pure heroin. Philadelphia also saw Bruno family mafiosi Raymond "Long John" Martorano convicted of assembling the makings for one ton of methamphetamine which would have been worth \$20,000,000 wholesale. He was jailed for ten years.

The most illustrative of the labor racketeering prosecutions was that of Eugene Boffa, who was allowed to ignore the terms of a Teamster contract in return for payoffs to Delaware Local Union President Frank Sheeran, who was also convicted. Sheeran's payments were split with a New York syndicate leader, already convicted in another case. A Detroit case broke up an alliance between Michigan Teamster locals and a novelty company which evidence showed was owned by "The Mafia." Former New Jersey Teamster power Anthony "Tony Pro" Provenzano, agreed to entry of a consent order to a racketeering civil suit which will remove him from the labor movement for life. While somewhat outside the usual type of case worked, mention should be made of discovery and prosecution of a "point shaving" plot relative to the Boston College basketball team. A major organized crime figure in New York City was convicted.

Finally, prosecution of the upper echelons of the syndicate hierarchy included: conviction of the top street boss of the Cleveland mob, Thomas Sinito, for loansharking of businessmen (Sinito was sentenced to 18 years in prison); indictment of the top Genovese family leader in Connecticut for extortion of entertainers Wayne Newton and Lola Falana (the mobster was murdered before he could be brought to trial); indictment of the numbers 2 and 3 leaders of the Philadelphia mob, Phil Testa and Frank Narducci, on racketeering charges (both were killed before the court process was completed); conviction of Carmine "The Doctor" Lombardozzi, a Gambino family captain in Brooklyn, for tax evasion; conviction of DeCavalente capo Frank "Big Frank Condi" Cocchiaro in Miami of mail fraud (he was sentenced to serve ten years in prison and fined \$11,000); conviction of New Orleans mob boss Carlos Marcello and Los Angeles underboss Samuel Sciortino for an attempt to bribe the Judge presiding at Sciortino's previous racket trial (Marcello was sentenced to ten years in addition to his previous seven year sentence and Sciortino, five years in addition to the four years previously imposed); Vincent DiNapoli, a major New York City contractor and a member of the Genovese family, pled guilty in New York to running the affairs of the Carpenters Union through racketeering (DiNapoli was sentenced to five years in prison and Michael LaRosa, the underboss of the Luchese family, pled guilty to the same offense); Bruno family capo Joseph Cianciolini was found guilty of conducting an enterprise, identified by Philip Testa in an intercepted conversation as "La Cosa Nostra," through racketeering (also convicted were Bruno family soldiers Harry Riccobene and Pasquale Spirito and the three were sentenced to ten, nine and eight years in prison, respectively); the conviction of mob boss James T. Licavoli, alias Jack White, mob capos John Calandra and Anthony Liberatore and Youngstown street boss Knald "The Crab" Carabba for racketeering in the murder of rival racketeer Daniel Green (Licavoli, Calandra, Liberatore and Carabba were sentenced to 17, 14, 14 and 12 years, respectively); the conviction of Alfred Pilotto (who is also President of Local 5, Laborers International Union of North America) in Miami for receiving bribes from an insurance executive conducting business with the union (Pilotto was sentenced to 20 years in prison); and, Carmen Zagaria, the Cleveland mob's former drug kingpin surrendered and pled guilty in exchange for a 30 year sentence and in presently testifying against underworld figures involved in the illicit drug trade and drug-related murders.

Item	Fiscal Years		
	1981	1982	1983
Investigations			
Opened.....	174	230	190
Deferred.....	320	260	240
			59

	1981	1982	1983	1984
Indicted 1/.....	212	170	200	185
Closed.....	253	200	235	220
Success rate.....	.84	.85	.85	.84
Cases				
Defendants indicted.....	492	490	470	470
Defendants convicted.....	318	304	300	290
Defendants acquitted/dismissed.....	64	55	52	50
Conviction rate.....	.83	.85	.85	.85

1/ Includes multiple indictments from one investigation.

Program Changes: This program will be decreased by two other-than-full-time-permanent positions. While this will marginally decrease staffing flexibility with respect to the hiring of temporary support personnel, e.g., Summer Law Interns and temporary clerical staff, this decrease is not expected to negatively affect current program activities, priorities or operations. At the same time, an increase of \$227,000 is requested to meet personnel salary expenses. The requested increase will provide funding to staff this program at its authorized workyear level. In the past several years, the Division has emphasized the hiring of experienced attorneys (requiring higher than average salaries) in lieu of recent law school graduates. This has resulted in an insufficiency of personnel funding, while the bulk of the understaffing problem occurs primarily in the Division's Organized Crime and Racketeering and General Litigation and Legal Advice programs, other decision units are experiencing difficulty relative to funding allocated workyears, albeit to a lesser degree.

	1983 Appropriation Anticipated			1984 Base			1984 Estimate			Increase/Decrease		
	Perm.	Pos.	Amount	Perm.	Pos.	Amount	Perm.	Pos.	Amount	Perm.	Pos.	Amount
Public Integrity (corruption).....	36	36	\$1,970	36	36	\$2,087	36	35	\$2,087	...	-1	...

Long-Range Goal: To decrease dishonesty and corruption in the discharge of the public's business, to assure the integrity of the franchise, and thereby to enhance the public's confidence in elected and appointed officials at all levels of government.

Major Objectives:

To maintain a capacity to supervise the investigation of and to prosecute selected cases involving corruption or election fraud on a national basis.

To maintain a capacity to supervise the investigation of and to prosecute all matters involving alleged criminal misconduct by Federal judges.

To assist U.S. Attorney personnel in the establishment of their own capability to recognize, investigate and prosecute public corruption offenses.

To respond within the statutory time limits to complaints subject to the Special Prosecutor Act (28 U.S.C. § 591, et seq.) and, after investigation, to make timely recommendations to the Attorney General concerning the need for the appointment of special prosecutors in such matters.

To establish and maintain liaison with the 15 Inspectors General and others responsible for the investigation and administrative discipline of their respective employees to ensure the flow of intelligence concerning employee crimes to Federal prosecutive personnel.

To reduce systemic obstacles to criminal law enforcement arising from procedural errors committed by agency personnel in the investigation and disposition of administrative misconduct proceedings which parallel criminal prosecutions.

Base Program Description: The Public Integrity program has responsibility for overseeing the investigation and prosecution of Federal crimes involving abuse of the public trust by elected or appointed public officials at all levels of government, and of election crimes. It prosecutes selected cases against Federal, state, and local officials, and is available as a source of advice and expertise to law enforcement officials and prosecutors at all levels of government. In addition, the program serves as a center for planning, coordination and implementation of nationwide programs focused against public corruption. Most of the program's resources are devoted to operational responsibility for litigation. In addition to cases it has developed itself or that arise out of its special initiatives, the program participates in or directs prosecutions in numerous other corruption cases each year, i.e., cases in which a U.S. Attorney has recused himself. In addition to formal recusals and cases where manpower is requested or needed, the program becomes involved in highly sensitive matters and in matters that extend beyond an individual judicial district's boundaries.

Accomplishments and Workload: During 1982, the Public Integrity program continued its emphasis on active operational participation by program attorneys in the litigation of complex and visible cases involving public corruption and election fraud. Attorneys assigned to this program participated in a total of 55 operational case assignments during 1982. Five of these matters were pending at the beginning of the year, having been initiated prior to 1982. An additional 50 cases were initiated during 1982. Program attorneys disposed of 43 of these matters: 40 by convictions, 2 by acquittals, and 1 through a dismissal that was prompted by the death of the defendant. Twelve cases were awaiting trial at the end of the year. In addition, Public Integrity attorneys handled 8 appeals during 1982, 7 of which resulted in dispositions favorable to the government. The Public Integrity program oversees Federal enforcement policy in three major areas: crimes by Federal personnel; state and local governmental corruption; and corruption of the franchise. The program had significant successes in each of these areas, paramount among which were the following:

Crimes by Federal personnel: During 1982, the program's ongoing investigation into fraud in the issuance of visas resulted in 6 indictments and 3 convictions. Measures were implemented to systematically address travel voucher and time and attendance fraud by Federal personnel, which the program has determined is a Government-wide problem. Program personnel participated in a widely publicized trial of a

former intelligence officer for illegal arms sales to foreign countries (Edwin Wilson); successfully handled an appeal which addressed the question of whether a sitting Federal judge could be indicted prior to impeachment (Aloose Hastings); were exclusively responsible for the preparation of a case involving criminal prosecution of a sitting Federal judge (Hastings); coordinated a sensitive investigation into allegations of violations of Federal criminal laws involving the Congressional and Senate Page Program; and conducted an exhaustive investigation into alleged perjury by the Deputy Administrator of the Small Business Administration (William Hauk) before the Senate Small Business Committee.

Local and State Corruption: During 1982, program personnel successfully conclude the extortion prosecution of a Harrison County, Mississippi Commissioner, who received a 14 year sentence (Robinson); obtained the conviction of the former Chairman of the Kentucky Democratic Party (Hunt) for mail fraud and tax offenses; and prepared for trial an ASACAM case against a New Jersey Commissioner (McDonald), which abated when the defendant died just prior to the beginning of this trial. Significantly, this program was solely responsible for the indictment of the reputed underboss of the Buffalo organized crime family in Scranton, Pennsylvania (Osticoo), on charges of jury tampering and obstructing justice. The program also continued its investigations into state-level corruption in Illinois and Kentucky. Corruption of the Franchise: During 1982, the Public Integrity program completed election fraud projects in South Carolina, Missouri and Kentucky, while continuing projects in Pennsylvania and Georgia. Public Integrity personnel handled 5 appeals from convictions involving election fraud cases, all of which were affirmed (Carmichael, Flowers, Mason, Malney and Castle). In the process, statutory theories recently developed by this program to address election fraud cases have received judicial approval, and previously unresolved questions of the extent to which the Federal prosecutor may intervene in corrupt election matters have been clarified. A two-year project to compile a comprehensive manual for the preparation and trial of Federal election cases was concluded. The Public Integrity program was responsible for implementation for the Justice Department's "Election Day Officer" program in connection with the 1982 national election, as a result of which major election fraud matters have been opened in North Carolina, Virginia, Illinois, Alabama, Colorado, New Mexico, Louisiana, Texas, California and Arkansas.

Item	Estimates			
	1981*	1982	1983	1984
Cases:				
Pending, beginning of year.....				97
Opened.....	133	94	97	70
Closed.....	105	68	70	97
Pending, end of year.....	102	65	97	
	136	97		
Matters:				
Pending, beginning of year.....				216
Opened.....	218	212	216	207
Closed.....	310	207	207	216
Pending, end of year.....	303	203	216	
	225	216		

*Includes workload performed by twelve attorneys assigned to the Economic Crime Enforcement Program, which became a part of the Fraud program in 1982.

Program Changes: This program will be decreased by one other-than-full-time-permanent position. While this will marginally decrease staffing flexibility with respect to the hiring of temporary support personnel, e.g., Summer Law Interns and temporary clerical staff, this decrease is not expected to negatively affect current program activities, priorities or operations.

	1983 Appropriation Anticipated			1984 Base			1984 Estimate			Increase/Decrease	
	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY
Fraud.....	84	79	\$4,631	84	79	\$4,916	84	79	\$4,916	...	...

Long-Range Goals: To reduce the incidence of white collar crime through a comprehensive program of prevention, detection, investigation, prosecution, and punishment of white collar crime offenses.

Major Objectives:

To investigate and prosecute successfully major white collar crime cases of unusual complexity and/or sensitivity and involving millions of dollars, i.e., cases involving multiple districts, requiring expertise or resources not available in the field, requiring centralized management and/or having national impact.

To successfully investigate and prosecute white collar crime cases which demonstrate the viability of particular statutes, theories or techniques as model prosecutions.

To play a leadership role in policy development and coordination with the law enforcement community through the formulation and implementation of national and local law enforcement priorities, interagency cooperative efforts, effective alternatives to criminal sanctions, and similar activities.

To provide training to prosecutors and investigators on effective techniques and procedures for investigating and prosecuting white collar crime cases.

To enhance the Federal Government's success in combatting white collar crime by identifying developing or recurring law enforcement problems and by devising new practices and procedures for minimizing opportunities for criminal conduct, detecting its occurrence and successfully investigating and prosecuting its perpetrators.

To develop and enhance international law enforcement cooperation in combatting white collar crime.

To select targets for deployment of Federal investigative and prosecutive resources in combatting the shifting directions of white collar crime.

To identify and prosecute career white collar criminals engaged in a variety of criminal activity, e.g., offshore schemes.

To develop effective joint state and Federal enforcement programs.

Base Program Description: To a great extent, the Fraud program's overall objectives are accomplished through the work of its litigating Branches. There are four litigating Branches with 7 or 8 attorneys each, a South Florida Special Project Branch, and a Department of Defense Procurement Fraud Unit. The primary function of the litigating Branches, around which all other functions are derived, is prosecution. This function is fulfilled through selective involvement in major investigations and prosecutions. These investigations are selected based on a variety of criteria, including: magnitude of the alleged fraud scheme; ability of United States Attorney's office to handle; complexity; unique fact pattern or theory of prosecution/investigation; and, contribution to long range prosecution goals. Many of the investigations are complex and lengthy, requiring over one year to develop with substantial resource commitments. Often they require a team of investigators and auditors with the Branch prosecutor directing the team. The Fraud program has been actively involved in numerous DOD procurement fraud cases which represent fraud in the expenditure of much of the \$500 million per day spent by DOD. Using their experience from prosecutions and investigations, program attorneys present training programs for Federal auditors and investigators on a regular basis. Over 2400 auditors and investigators have benefitted from the Fraud program's White Collar Crime Mini-Course since May 1978. The program also encourages the use of civil and administrative remedies and is a leader in the criminal prosecution area in utilizing civil remedies together with the criminal process. Also, to support the use of alternative remedies, the program developed legislation to allow the recovery of fraudulently obtained funds through administrative proceedings and has worked closely with the Civil Division and OMB to recoup such funds. In the securities fraud area, the program maintains liaison with the national offices of the SEC and with the Commission's eight regional offices. Program attorneys are currently reviewing pending SEC investigations to determine which have criminal prosecution potential. Further, program attorneys are investigating several matters referred either formally or informally from SEC national headquarters and regional offices. Evidence from foreign jurisdictions is being successfully obtained through implementation of treaties and executive agreements on "Procedures for Mutual Assistance in the Administration of Justice," through use of Letters Rogatory proceedings, through reciprocal assistance provided by foreign prosecutors as a result of the assistance provided to them by the program, and through diplomatic channels as a result of the program's close liaison with the Department of State. Program attorneys are assigned to assist in the administration of the FCPA Review Procedure. This Procedure was established to satisfy the Presidential directive for the Department to provide guidance to the business community, thereby reducing any export disincentives created by perceived ambiguities in the FCPA.

The Economic Crime Enforcement Program provides a national focus on economic crime by placing Criminal Division attorneys in U.S. Attorneys' offices, selected to cover the ten standard Federal Regions. The Washington office is the headquarters for the program and coordinates the activities of the field units. In the field, attorneys assist investigators in developing an overall approach aimed at identifying and eliminating the most significant problems in an area through a variety of techniques that are being applied to the criminal justice system for the first time. The attorneys also meet with Federal, state and local program agencies, enforcement offices and prosecutors, and with representatives from business and industry, the news media and the public to ascertain the extent and nature of economic crime. The prosecution function of the DCU attorney is directed at serious law enforcement problems of regional or national priority.

Accomplishments and Workload: Described below are the Fraud program's recent accomplishments towards realizing its major objectives. The discussion is organized around the program's overall objectives: investigation and prosecution of major white collar crime cases; policy development and coordination of Federal law enforcement efforts; training provided to Federal investigators and prosecutors; enhancing the Federal Government's efforts in combatting white collar crime; and the Economic Crime Enforcement Program.

Investigation and Prosecution: As of December 1982, the program had 109 open investigations and 34 open prosecutions. All of these cases and matters were national priority cases, as defined by the Department's White Collar Crime Priorities program. In more than half of those cases and matters reporting estimated dollar losses, the estimated loss exceeded \$1 million dollars in each case. During the last year (October 1, 1981, through September 30, 1982), Fraud program attorneys handled 141 investigations. During this time period, 62 individuals were indicted in 29 different cases. Also during this period, convictions were obtained against 46 defendants in 28 separate cases. While sentencing is pending in a number of these cases, those in which sentences have been imposed have resulted in over \$5.2 million in criminal fines, \$4.2 million in restitution, \$50,000 in court costs, and \$6,000 in attorneys' fees.

Policy Development and Coordination: During the past year, the program has been involved in a number of policy development and coordination activities and program attorneys have taken part in many interagency task forces and working groups. The program's other major accomplishments in the area included the following: the formulation and implementation of the White Collar Crime components of the Federal district law enforcement plans; the formulation and implementation of improved criminal referral procedures concerning securities fraud matters; assistance to the U.S. Attorney in the Southern District of Florida (5 Fraud program attorneys have assumed responsibility for more than 40 fraud cases venued in South Florida); the establishment of a Department of Defense Procurement Fraud Unit; and, involvement in the initiation of and continued participation in the Interagency Task Force on Suspension and Debarment.

Training provided to Federal investigators and prosecutors: The Fraud program offers training in sophisticated white collar crime investigations and prosecutions in a number of different settings, including: Federal Law Enforcement Training Center training courses, various FBI Academy training courses, Fraud program white collar crime mini-courses, the Attorney General's Advocacy Institute and various Inspectors General meetings. Further, the Fraud program has supplied articles, teachers, panelists and speakers on the subject of white collar crime to universities, bar associations, and business associations throughout the country and abroad. Providing this type of training is an important objective of the program; with limited personnel and travel funds, however, it will be increasingly difficult to maintain the level of these important instructional efforts.

Economic Crime Enforcement Program: By the end of 1982, the Economic Crime Enforcement Program achieved the following objectives: 1) established nine attorneys in the ten standard Federal regions; 2) convened two national conferences that included workshops on advanced investigation and litigation skills (a total of seven Economic Crime Enforcement Conferences have been held); 3) worked with other Criminal Division offices to develop recommendations about economic crime enforcement priorities for presentation to the Attorney General; 4) established a system for gathering data and producing information by which the effects of the Economic Crime Enforcement Program may be measured and used elsewhere; 5) continued to distribute 700 copies of the bimonthly Bulletin to the United States Attorneys' offices, the Criminal Division, and a selected group of other organizations; and, 6) trained over 2,000 agents and auditors in over 45 training sessions on different aspects of economic crime.

Item	Estimates		
	1981	1982	1983 1984
<u>Litigation and Support Branches</u>			
Cases where Section has operational responsibility			
Pending, beginning of year.....	25	27	33
Opened.....	36	32	30
Cases-support to U.S. Attorneys			
Pending, beginning of year.....	111	125	130
Opened.....	124	115	110
Matters where Section has operational responsibility			
Pending, beginning of year.....	143	143	133
Opened.....	48	30	30
Matters-support to U.S. Attorneys			
Pending, beginning of year.....	40	40	40
Opened.....	200	225	235
<u>Workload Production Estimates</u>			
Cases where Section operational responsibility			
Closed.....	34	26	30
Pending, end of year.....	27	33	33
Cases-support for U.S. Attorneys			
Closed.....	110	110	110
Pending, end of year.....	125	130	130
Matters where Section has operational responsibility			
Closed.....	48	40	40
Pending, end of year.....	143	133	123
Matters-support to U.S. Attorneys			
Closed.....	200	225	235
Pending, end of year.....	40	40	40

Economic Crime Enforcement

Item	Estimates			
	1981	1982	1983	1984
<u>Workload Demand Estimate a/</u>				
<u>I. Liaison/Coordination</u>				
Intra division.....	228	228	228	228
U.S. Attorneys.....	208	208	208	208
FBI.....	48	48	48	48
Other agencies (I.G. and other law enforcement).....	68	88	88	88
Public (professional groups, citizen groups, etc.).....	18	18	18	18
<u>II. Direct/Operational Responsibility</u>				
Coordination of investigations.....	218	218	218	218
Trial preparation.....	168	168	168	168
Grand jury, trials, motions, appeals.....	88	88	88	88
III. Number of training sessions.....	45	60	69	75

a/ Parts I and II of this program's workload are expressed as a percentage of the workyears devoted to these specific functional areas and to the agencies and activities to which these functions are directed. The Criminal Division maintains an attorney time-keeping system that is not entirely applicable to the work of the Economic Crime program's attorneys, but can be used as a rough guide by percentage of how their time was spent in the various aspects of their role.

	1983 Appropriation Anticipated		1984 Base		1984 Estimate		Increase/Decrease					
	Pos.	MY Amount	Pos.	MY Amount	Pos.	MY Amount	Pos.	MY Amount				
Narcotic and dangerous drug prosecution.....	39	38	\$1,942	39	38	\$2,064	39	37	\$2,064	...	-1	...

Long-Range Goal: To combat the growth of major criminal enterprises involved in drug trafficking by prosecuting the organizers and heads of criminal organizations that manufacture, smuggle, and distribute illicit drugs on a national or international scale and to obtain the forfeiture of drug-related assets.

Major Objectives:

Financial investigation and prosecution: to improve the techniques used to investigate and prosecute major drug trafficking offenses, particularly methods of using financial records as evidence and to request courts to order the forfeiture of traffickers' assets and profits; to demonstrate and test the techniques by initiating special investigative operations in major financial centers; to identify and obtain the court ordered forfeiture of the assets and proceeds of high level drug trafficking organizations; to deter banks and financial institutions from engaging in illegal money laundering activities through vigorous enforcement of criminal and forfeiture laws; to develop the use of tax laws to prosecute drug offenders as either an adjunct or an alternative to traditional drug prosecution; and, to improve procedures for obtaining the forfeitures of drug traffickers' assets through oversight of this program's and the U.S. Attorneys' forfeiture litigation.

Complex narcotic investigation and prosecution: to directly prosecute or assist with major multi-district and international cases involving DEA Class I traffickers; to promote the use of forfeiture and enhanced penalty statutes in traditional conspiracy cases against major traffickers; to prosecute major drug offenders by use of tax laws as either an adjunct or an alternative to traditional drug prosecution; to design and recommend improvements in drug enforcement laws and strategies; and, to assure that major narcotics cases arising in districts with small Assistant U.S. Attorney complements or limited drug prosecution experience are adequately prosecuted.

Legal support: to provide legal advice, training, and guidance on specialized aspects of drug law to the U.S. Attorneys' offices and investigative organizations on a limited number of major multi-district and international cases; to supervise the functioning of the Major Drug Traffickers Prosecution Units; to inform drug investigators and prosecutors of developments in drug law enforcement, including new financial and tax investigative techniques developed within the program, and provide training in these techniques; to propose and review legislative initiatives and Department policies regarding drug control and prosecution; to review U.S. District and Circuit Court decisions involving drug traffickers that are adverse to the government and handle selected appeals; to assist in formulating treaties with foreign governments regarding drug enforcement; to provide interagency liaison and coordination in multi-jurisdictional drug cases; and, to handle litigation arising from activities of the Drug Enforcement Administration (DEA) in the area of licit drug regulations.

Base Program Description: This program works to alleviate the operational and policy problems that have historically limited the effectiveness of the Federal drug enforcement effort. Its efforts involve four areas of activity, which are described below.

Operation Greenback: This highly sophisticated enforcement operation is directed at identifying the assets and profits of illegal trafficking organizations and then seizing and obtaining the forfeiture of those assets. Drug investigators and prosecutors have not traditionally been trained to conduct this type of investigation, which involves the use of financial records and documents. Therefore, the program is this effort by developing expertise in these techniques through fostering cooperation with other enforcement agencies. The program is currently involved in a demonstration of these techniques and interagency coordination in Operation Greenback in Miami and Tampa, Florida. Trial attorneys work with agents of the FBI, DEA, Customs Service, IRS, ATF, and the Coast Guard. There are seven trial attorneys assigned -- five prosecuting criminal cases and two litigating civil forfeiture of traffickers' wealth through criminal and customs laws. Attention is paid primarily to the financial aspects of all investigations, although traditional statutes are used to prosecute drug violators where feasible. Investigators identify assets of the traffickers by looking for unusual deposits, withdrawals, and inter-institutional banking transactions made by various financial institutions. The Operation Greenback concept has spawned an additional operation in Chicago. Trial attorneys from the program have established an office there and it is fully operational.

Tax Enforcement Narcotic Unit (TENU): Recognizing that illegal drug trafficking creates billions of dollars in untaxed income, this program and the Criminal Section of the Tax Division have combined with the Internal Revenue Service's Criminal Investigation Division (CID) to form the Tax Enforcement Narcotics Unit (TENU). TENU targets suspected major drug traffickers who have avoided prosecution under the Controlled Substances Act but remain highly visible because they have a standard of living not commensurate with their reported income. After referral by CID, the appropriate United States Attorney's Office is given an opportunity to pursue these grand jury investigations. If the United States Attorney's resources prohibit the prosecutorial investment for these long-term inquiries, TENU's attorneys present them on a priority basis.

Complex Narcotic Investigation and Prosecution: Under appropriate circumstances, the program assumes responsibility for handling or coordinating a limited number of major narcotic cases. All of these cases involve DEA Class I violators, have international or multi-district ramifications, and involve more than one Federal investigative agency. The criteria considered in evaluating requests for this program's involvement include: the size, complexity, and importance of a case; the extent to which the case exceeds U.S. Attorney resources; the likely investigative and prosecutive results if the program declines the case; and the need for multi-district or interagency coordination.

Legal Support: In addition to the three activities described above, the program performs ten support functions for the drug enforcement community:

Inquiry Program: Program attorneys handle requests for legal assistance from U.S. Attorneys and investigative field personnel. A senior prosecutor coordinates the program and shares information. This coordination is particularly beneficial in identifying for coordinative actions those districts that are developing cases involving the same trafficking organization.

Major Drug Traffickers Prosecution Program: The Major Drug Traffickers Prosecution Units are special units staffed by Assistant U.S. Attorneys who work full time to investigate and prosecute major narcotics cases in their districts. The program coordinates the work of the 24 units, assists them in working with DEA and other agencies, and helps them target the most important violators and develop priorities for their caseloads.

Training: The program conducts one national advanced training conference and three basic training seminars each year. The advanced seminar emphasizes the financial aspects of drug trafficking. The seminars are updated to meet the current needs of drug investigators and prosecutors. Each advanced seminar is attended by approximately 150 Federal agents and prosecutors. The basic seminars are attended by about 50 prosecutors.

Narcotics Newsletter: The Newsletter serves as a means of communication among the various elements for the drug law enforcement community. It is published monthly and has a circulation of about 7,350. It is distributed to all U.S. Attorneys, Organized Crime Strike Forces, domestic and foreign DEA offices, State Department offices having narcotics responsibilities, foreign embassies and state and local enforcement offices. It provides information on such topics as significant legislative developments, unique investigative and prosecutive tactics, and major drug arrests, seizures, indictments, convictions and sentences.

Legislative Analysis: The program reviews and helps formulate proposals for Department policies and legislation concerning drug enforcement and prosecution.

Appellate Review: The program reviews select adverse decisions in the Federal courts involving drug cases and makes recommendations concerning further appeals. In special cases, this program's attorneys handle appellate litigation.

International Matters: Program attorneys work with the Criminal Division's Office of International Affairs, the State Department, the Coast Guard, DEA, and others to develop cooperative narcotics prosecution programs and to identify countries with which the United States should

negotiate mutual legal assistance and extradition treaties. The agreements are designed to facilitate the prosecution of drug smugglers and illegal money launderers and the interdiction of vessels on the high seas engaged in drug smuggling.

Title III (Electronic Surveillance): The program assists in the preparation of requests for Title III authorization in investigations involving top priority international and domestic drug traffickers and provides legal expertise if issues arise in subsequent litigation concerning the legal sufficiency for the documentation, execution procedures, and reporting procedures.

Interagency Liaison and Coordination: Program attorneys maintain contact and coordinate operations with a variety of agencies, including DEA, the FBI, Customs Service, ATF, IRS, and the Coast Guard. The program also helps coordinate multi-district aspects of DEA Centac (Central Tactical Priority) investigations.

Regulatory Litigation: The program handles DEA litigation arising out of its activities in the area of regulation of the manufacture and distribution of controlled substances.

Accomplishments and Workload: Operation Greenback: This program is part of a joint Department of Justice and Treasury Department criminal enforcement task force which is engaged in the most sophisticated multi-agency investigative effort ever attempted in the area of Federal drug law enforcement. The program has three field offices in this operation, a four attorney office in Miami, Florida, a two attorney office in Tampa, Florida, and a two attorney office in Chicago, Illinois. These attorneys work with about seventy agents from three different Federal enforcement agencies primarily investigating illegal "money laundering" operations which are trying to legitimize illegal drug profits. During the past year this operation has seized over \$20 million dollars in currency and almost \$3 million in property. As a result of Greenback investigations, IRS has brought \$112 million worth of jeopardy assessments. There have been 28 indictments with 126 defendants. These three Greenback offices are currently working on an additional 70 investigations.

Tax Enforcement Narcotics Unit: This unit is presently engaged in joint tax grand jury investigations and prosecutions against major narcotic traffickers. There are five Narcotic program attorneys in the unit working with six attorneys from the Criminal Section of the Tax Division and agents from IRS and DEA. This unit is investigating, primarily for tax violations, major narcotic violators who have successfully insulated themselves from narcotics prosecutions. The unit recently returned one indictment and is conducting 24 additional grand jury investigations.

Operation Grouper: The program coordinated the prosecution of 182 individuals in 27 indictments returned in five districts stemming from DEA's Operation Grouper, a two year undercover investigation which resulted in seizures of over 1.2 million pounds of marijuana, 890 pounds of cocaine, and three million methamphetamine tablets. Also seized were 30 ships, two airplanes and approximately \$1 million in cash. A program attorney prosecuted four Grouper trials, convicting 18 defendants. In another significant investigation, fourteen defendants were charged in two indictments (United States v. Cobb et al., and United States v. Villanueva et al.) in the Northern District of Florida with Continuing Criminal Enterprise, RICO and lesser violations. A program attorney working with the United States Attorney and agents from six Federal and state agencies successfully prosecuted these cases which resulted in criminal forfeiture of \$1 million in cash and over \$8 million in property, and in the conviction of two defendants for continuing criminal enterprise and of seven defendants for RICO and lesser crimes. The evidence showed the importation of two million pounds of marijuana with gross revenues of almost \$400 million by this organization. In February 1982, Texas multi-millionaire Rex Cauble was convicted of three RICO violations, three Travel Act charges and four counts of misapplication of bank funds for his role in masterminding the largest marijuana smuggling operation ever uncovered by law enforcement authorities in the state of Texas (United States v. Cauble). One program attorney worked with the United States Attorney's

office in the investigation and prosecution of this case which was the fifth trial in a four year joint DEA-FBI investigation. The case resulted in approximately \$25 million in criminal forfeiture, the largest criminal forfeiture in the history of the United States. In another significant case, *United States v. Garrett et al*, five DEA class I defendants were indicted for importing over 300,000 pounds of marijuana. Two program attorneys prosecuted this case which was investigated by DEA and state law enforcement officers from ten states. Four defendants were arrested and convicted of conspiracy and Jonathan Garrett was convicted of continuing criminal enterprise. There were fines and criminal forfeiture of over \$500,000.

Legal Support: The program publishes a monthly newsletter with a circulation of 2,350 copies a month. It is sent to all U.S. Attorneys' offices and foreign and domestic drug enforcement offices. It is also sent to the White House, Congressional, and State Department offices concerned with drug enforcement policy and legal issues as well as IPS offices, state prosecutors' offices and local law enforcement offices. It provides information on significant case activity, legal analyses of recent decisions, information on significant legislative developments, unique investigative and prosecution tactics, and generally encourages dialogue among those engaged in drug law enforcement. In the past year the program conducted one advanced training seminar (the 13th Major Drug Traffickers Prosecution Conference, which was attended by the Vice President of the United States, 108 Federal prosecutors, and 64 Federal Agents) and one basic conspiracy seminar attended by 43 Federal prosecutors. Both were conducted in conjunction with the Attorney General's Advocacy Institute. The program continues to coordinate the Major Drug Traffickers Prosecution Program; over 95 Assistant U.S. Attorneys now staff 25 units in 24 cities. The program coordinates the work of the units, assists them in working with DEA and other agencies, and helps them target the most important violators and develop priorities in handling their caseloads.

Item

	Estimates		
	1981	1982	1983
Cases:			
Pending, beginning of year.....	180	190	201
Opened.....	142	146	145
Closed.....	132	135	130
Pending, end of year.....	190	201	216
Matters:			
Pending, beginning of year.....	77	80	83
Opened.....	95	97	98
Closed.....	92	94	92
Pending, end of year.....	80	83	89

Program Changes: This program will be decreased by one other-than-full-time permanent position. While this will marginally decrease staffing flexibility with respect to the hiring of temporary support personnel, e.g., Summer Law Interns and clerical staff, this decrease is not expected to negatively affect current program activities, priorities, or operations.

1983 Appropriation Anticipated	1984 Base		1984 Estimate		Increase/Decrease	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
Internal security.....	35	33 \$1,688	35	33 \$1,797	...	...

Long-Range Goal: To enforce, in an effective and uniform manner, approximately 100 criminal statutes and regulations affecting the national security and foreign relations of the United States.

Major Objectives:

To investigate and litigate effectively cases and matters in the area of national security.

To provide oversight and supervision of all prosecutions involving the Neutrality statutes, the Trading with Enemy Act, the Arms Export Control Act and the Export Administration Act.

To provide legal support and investigative guidance to all Federal investigative agencies engaged in national security matters.

To enforce the Federal Regulation of Lobbying Act, a conflict of interest statute, and a portion of the Federal Election Campaign Act of 1976.

To continue to provide staff support personnel (including the Executive Secretary) to the Interdepartmental Committee on Internal Security (ICIS).

To administer and enforce the Foreign Agents Registration Act (FARA), and two additional registration statutes.

To provide assistance to Members of Congress and all other appropriate officials involved in the regulation of lobbying.

To respond appropriately to inquiries from the press and public in matters involving the national security.

Base Program Description: This program seeks to enforce statutes and regulations relating to the national security and foreign relations of the United States by: supervising investigations and prosecutions involving national security and foreign relations; providing legal and policy guidance to U.S. Attorneys, law enforcement agencies and the intelligence community in the area of national security litigation; administering and enforcing the FARA, including registration of representatives of foreign governments and entities; supervising investigations, and conducting inspections and all FARA-related criminal and civil litigation; providing specialized legal support to U.S. Attorneys in the areas of policy interpretation, legal research, and the drafting of indictments, pleadings and other legal papers; directly participating in criminal litigation, including grand jury proceedings, trials, appeals, and related legal actions; developing, analyzing and evaluating proposed legislation related to the internal security field; serving as the focal point for interagency coordination in cases such as espionage, neutrality, arms export control and export administration violations; and, providing staff support personnel, including the Executive Secretary, to the Interdepartmental Committee on Internal Security.

Accomplishments and Workload: Actual and estimated accomplishments concerning this program during 1981 through 1984 are presented in the attached exhibit. During 1981-1982 the program has handled four significant espionage cases, all of which ultimately resulted in convictions. These cases are among the most significant espionage cases prosecuted in recent years. They involved the prosecution of David Henry Barnett, a former employee of the CIA's Clandestine Service, who sold classified information to the Soviet Intelligence Service (KGB) for over \$93,000; Joseph Helmich, a former Army warrant officer, who sold classified information concerning highly sensitive coding devices to the Soviets for \$131,000; William Holden Bell, a radar engineer employed by the Hughes Aircraft Company who conspired with Marian Zacharski, an officer of the Polish Intelligence Service, to transmit classified documents on advanced radar designs and the TOW anti-tank missile; and Otto Attila Gilbert, who confessed to engaging in espionage on behalf of the Hungarian Intelligence Service. Barnett and Helmich were sentenced to eighteen years in prison and life imprisonment, respectively; Bell and Zacharski were sentenced to eight years in prison and life imprisonment; Gilbert was sentenced to a term of fifteen years.

In 1981 and 1982, this program handled twelve cases involving significant prosecutions of Export Administration Act and Arms Export Control Act violations which ultimately resulted in six convictions. The remaining cases are awaiting trial. With the increased emphasis placed on the export control area by this Administration, the various agencies in the intelligence and investigative community have drastically intensified their efforts. This emphasis and the current investigations conducted by the Customs Service, Commerce Department and the FBI foreshadow a significant increase in the number of cases reported for grand jury investigation and prosecution.

This program successfully litigated one civil action for a permanent injunction pursuant to the enforcement provisions of the FARA of 1938, as amended, and successfully handled the appeal of this decision. This program also argued an appeal of an adverse decision at the District Court level which the Court of Appeals reversed and remanded. In addition, the program presented evidence to a Federal grand jury concerning violations of the FARA and other statutes not primarily within the jurisdiction of the program. In 1981 and 1982, additional registrations under the Act increased by 261, bringing the total to 3,413, of which 732 are active. Short-form registrations increased by 1,426, bringing the total to 16,817, of which 6,936 are active.

Cases:	Item	Estimates	
		1983	1984
Pending, beginning of year.....		28	28
	Opened.....	70	100
	Closed.....	70	70
	Pending, end of year.....	28	58
Matters:			
Pending, beginning of year.....		238	253
	Opened.....	485	500
	Closed.....	470	473
	Pending, end of year.....	253	280

1983 Appropriation Anticipated

Pos.	WY	Amount	1984 Base		1984 Estimate		Increase/Decrease					
			Perm.	WY	Perm.	WY	Perm.	WY				
General litigation and legal advice..	52	52	\$2,790	52	49	\$2,805	52	48	\$2,903	...	-1	\$98

Long-Range Goal: To attain directly, or through assistance to the U.S. Attorneys, success in all necessary litigation within the six major subject areas of the program, and to improve the efficiency and effectiveness of Federal, state and local criminal law enforcement efforts through the establishment of improved intergovernmental coordination and cooperation.

Major Objectives:

To develop and implement enforcement programs in certain key statutory areas where special requirements dictate centralization. To develop and prosecute major cases under a vast range of statutes, when appropriate, due to recusal or lack of resources or pertinent expertise in a United States Attorney's office.

To defend civil suits regarding national security operations and those suits regarding Federal criminal justice and to coordinate and participate in crime resistance programs related to the program's statutes.

To provide legal and policy advice to the Assistant Attorney General, Associate Attorney General, Deputy Attorney General, and Attorney General, as well as other components of the Department, on issues of major importance to the Department.

To develop, implement, support, and coordinate programs, especially the Law Enforcement Coordinating Committees ordered by the Attorney General, to improve coordination between Federal, state, and local prosecutors, investigators, and other criminal justice personnel.

To support the revision of Federal policies which interfere with effective intergovernmental relations among law enforcement agencies.

To increase the voluntary involvement of corporations and individuals in the private sector in crime resistance efforts.

To provide staff support and direction to the Executive Working Group for Federal-State-Local Prosecutorial Relations, a body of representatives of United States Attorneys, State Attorneys General, and local District Attorneys.

To monitor and support each Federal judicial district's efforts to develop a Federal district law enforcement plan.

To develop programs and staff other needs for the Law Enforcement Coordinating Committees, bodies existing in each Federal district which are composed of law enforcement managers of all levels of government.

To develop, implement, support, and evaluate methods of identifying concurrent jurisdiction enforcement lapses and curative measures aimed at such lapses.

To effectively provide legal and policy advice to the Assistant Attorney General and other components of the Department on law enforcement management and crime resistance issues.

Base Program Description: (This program consists of the Division's General Litigation and Legal Advice Section and Office of Law Enforcement Coordination.) The six major substantive areas addressed by the General Litigation and Legal Advice Section include: (1) crimes against government operations - attacks on designated Federal officials, including the President, Vice-President, Members of Congress and candidates for Federal office, and foreign officials and official guests of the United States, depredations of mail and government property, counterfeiting, customs violations, obstruction of justice, perjury, escape and prison offenses, and Selective Service violations; (2) crimes against the public - aircraft and maritime piracy, kidnapping, extortion, bombing, bank robbery, interstate theft and traffic in illegal securities, illegal electronic surveillance, obscenity, copyright and firearm violations, and crimes in the special jurisdiction of the United States; (3) immigration and naturalization matters - provide legal advice and guidance to U.S. Attorneys in responding to the entry of visaless aliens into the United States; (4) regulatory enforcement - protection of safety, health and consumer interests in mining and other occupations, handling nuclear materials, and disposition of hazardous and toxic wastes; (5) special civil matters - defense of civil actions to obtain information on or to interfere with criminal justice and national security operations and enforcement of forfeitures and civil penalties under Criminal Division statutes; and (6) prison/parole matters - defense of suits challenging legality of Federal sentences, probation and parole actions, conditions of confinement, prisoner transfer within, and from foreign custody to, the United States, and treatment of mentally incompetent prisoners. Approximately 75% of all Federal statutes are assigned to the program, including many violent crimes and most Federal "street" crimes.

In priority or sensitive criminal areas, the program serves as an enforcement entity, prosecuting and assisting in the prosecution of cases, and coordinating the various U.S. Attorneys' offices and investigative agencies. When a matter is likely to merit prosecution by program attorneys, the agencies immediately advise the program of the initiation of an investigation, thus affording the opportunity for program attorneys to provide guidance on crucial aspects of the investigation. In a more general way, the program supports litigation by drafting or commenting on proposed legislation. Legislation can overcome the long-run effects of an adverse decision and usually has an effect on both the scope and nature of future litigation. To conserve Federal litigation resources, program attorneys also interact with the private sector, e.g., industry and labor, and Federal and non-Federal enforcement agencies, regarding adoption of crime resistance measures.

The Office of Law Enforcement Coordination has assumed responsibility for the staffing of the Executive Working Group for Federal-State-Local Prosecutorial Relations, development of Federal district law enforcement plans, management of the Division's program to abolish concurrent jurisdiction enforcement lapses, operation of the Division's Crime Prevention Committee, oversight of the Division's involvement in regional Law Enforcement Coordination Committees, and staffing of other intergovernmental law enforcement management initiatives which were previously fragmented among several Division offices. The Office represents the Division at meetings of the National District Attorneys Association, National Association of Attorneys General, and other liaison forums. The Office performs the staff support essential to the Assistant Attorney General's responsibilities to the Executive Working Group for Federal-State-Local Prosecutorial Relations (which he chairs), and U.S. Attorneys' Conferences. The Office receives and staffs reports from state and local prosecutors for nonmonetary assistance from Federal agencies and consults with litigating, policy analysis, and legislative review components of the Division and other Federal offices regarding the likely effect of proposed Federal actions on intergovernmental relations. The Office informs the Division's litigating programs of proposed district law enforcement plans, surveys responses, and represents those views in meetings with other Departmental offices.

Accomplishments and workload: Examples of the program's major litigation accomplishments during 1982 include the following: the indictment of Jimmy Chagra, Joseph Chagra, Elizabeth Chagra and Charles Harrelson for the murder of Federal District Court Judge John H. Wood; the conviction of PMO Investment Co., Inc., and one of its officers for violations of the Federal Wiretap statute; the conviction of Mitsui and Co., Inc. (USA), an American subsidiary of Mitsui (Japan), a Japanese trading agency and three individual defendants, for dumping steel in the United States (Mitsui was fined \$210,000 and agreed to pay \$11 million in civil penalties); the indictment of Edwin Wilson and two others as a result of the 1977 exportation of 40,000 pounds of plastic explosives to Libya; the conviction of Jo Ann Harrelson in the Northern District of Texas for purchasing a gun under a false name (the gun was similar to a weapon that may have been used to kill Federal District Court Judge John H. Wood); the conviction of escaped spy Christopher Boyce and another in the District of Idaho for bank robbery, harboring, gun law violations and conspiracy; the successful defense of a challenge to the government's handling of the provision in the Immigration and Nationality Act which governs the allocation of immigrant preference visas among applicants from any one country; the conviction in the Northern District of California of VSL Corporation and its chief financial officer for aiding and abetting the entering of steel into the United States by means of false statements as to value; the conviction in the Eastern District of Pennsylvania of the owner of a national trucking firm and three former American Airlines executives in a kickback scheme whereby the trucking firm made payoffs to the executives in exchange for freight business from American Airlines; the conviction in the District of Puerto Rico of a leader of "Onega 7," an anti-Castro terrorist group, for making a false statement in an application for a United States passport; the indictment in the District of Puerto Rico of a major terrorist for bank robbery; the successful defense of the Federal Prison System for not segregating from adult prisoners a youth whose parole under the Federal Youth Corrections Act was revoked when he was convicted and sentenced as an adult in state court; and, the successful defense of the right of the government to indefinitely detain excludable Cuban aliens with criminal backgrounds who came to the United States during the 1980 flotilla and who have been convicted of no criminal offense in the United States. Program attorneys support obscenity prosecutions by screening, with investigative agencies, operations meriting Federal attention and furnishing prosecutors and investigative agencies with legal and policy guidance in this vigorously litigated area. During 1982, ten distributors of obscene material depicting children engaging in sexual activity were convicted. In the Northern District of Florida two defendants in a child pornography case were sentenced to twelve years imprisonment and \$50,000 fine and four years imprisonment and \$50,000 fine, respectively. In a major child pornography importation case in the District of Hawaii, one defendant was sentenced to ten years imprisonment, two defendants were sentenced to four years and a fourth defendant is under study pursuant to the provisions of 18 U.S.C. 5010(e). An indictment was returned in the Western District of Kentucky against Sovereign News Company, the largest commercial distributor of obscene material in the United States and, in the first two court of appeals decisions involving 18 U.S.C. 2251-2253, the child pornography statute, the convictions were upheld.

Attorneys also provided legal advice in criminal prosecutions involving literally hundreds of Federal criminal statutes assigned to the program; developed prosecutive policy and legal memoranda concerning enforcement of the Selective Service Act; prepared for a large number of referrals from Selective Service of cases involving nonregistrants; and, prepared memoranda on legal options including 105 appeal memoranda on decisions adverse to the government under statutes assigned to the program. Program development and coordination of policy for prosecution of striking air traffic controllers has resulted in five felony convictions and the conviction of 127 defendants for contempt (many pled guilty to contempt in exchange for a dismissal of the felony charge). During 1982, program involvement in civil litigation has shown a dramatic increase in the immigration area. Attorneys prepared and filed 175 briefs and 180 motions and other pleadings on immigration and nationality at the court of appeals level. They also argued 46 immigration and nationality cases in the courts of appeals, filed 84 district court pleadings and appeared in 36 district court proceedings. Special civil matters included preparation of 28 appellate memoranda or briefs. At the district court level, program attorneys participated directly or furnished substantial support in civil suits relative to administration of criminal justice (35), national security (10) and maintenance of or access to criminal justice records (28).

The Office of Law Enforcement Coordination has assisted in the implementation of Law Enforcement Coordinating Committees (LECCs) in each Federal judicial district. U.S. Attorneys' offices have been provided with support materials and, upon request, advice regarding unique problems. The Office has developed and implemented a review procedure for district law enforcement plans which assures that the expertise of all units of the Criminal Division is utilized. The Office is continuing to review and coordinate the Criminal Division review of LECCs. As of January 1983, there have been 85 districts that have had at least one meeting of LECCs and 44 district law enforcement plans have been received. These LECC reports and district plans will continue into the foreseeable future, with OLC coordinating the Division's reviews. The Office has continued to develop its role in coordinating citizen, Congressional, Executive Branch and public interest group correspondence with the LECC operations. By identifying matters of concern through correspondence review, priorities are proposed at the various LECC meetings. Additionally, a variety of matters of intergovernmental concern may be referred to an appropriate LECC for consideration. The Office has held several successful meetings of the Executive Working Group for Federal-State-Local Prosecutorial Relations and has achieved significant progress through informal contacts with Working Group members. Despite the loss of IPMA financial support for members' travel costs, the Working Group has continued to meet regularly in Washington, D.C. The National Association of Attorneys General and the National Association of District Attorneys support the Working Group and recognize its value in permitting an exchange of information regarding matters which affect all levels of government in the field of law enforcement. The Office, as the Division's oversight office for crime resistance efforts, has been increasingly active in promoting private sector support for and participation in crime resistance programs. Public awareness projects and corporate promotional initiatives have been and continue to be encouraged, in part through the speeches and citizen correspondence prepared by this Office. During 1984, it is expected that OLC will be engaged in efforts to evaluate the performance of the LECCs in each Federal district, using the 1982 district plans and subsequent amendments as a basis for the measurement. Finally, the Office has visited all of the Regional Intelligence Information Systems at least once in an effort to assess their performance and to suggest ways of improvement. Workload statistics for the General Litigation and Legal Advice program are printed in the exhibit below:

Item	Estimates			
	1981	1982	1983	1984
<u>Cases</u>				
Cases pending, beginning of year.....	171	186	203	218
Opened.....	1,125	1,092	1,080	1,080
Closed.....	1,110	1,075	1,065	1,065
Pending, end of year.....	186	203	218	233
<u>Matters</u>				
Pending, beginning of year.....	52	62	72	82
Opened.....	515	492	494	494
Closed.....	505	482	484	484
Pending, end of year.....	62	72	82	92
				77

Program Changes: This program will be decreased by one other-than-full-time-permanent position. While this will marginally decrease staffing flexibility with respect to the hiring of temporary support personnel, e.g., Summer Law Interns and temporary clerical staff, this decrease is not anticipated to negatively affect current program activities, priorities or operations. At the same time, an increase of \$98,000 is requested to meet personnel salary expenses. The requested increase will provide funding to staff this program at its authorized workyear level. In the past several years, the Division has emphasized the hiring of experienced attorneys, (requiring higher than average salaries) in lieu of recent law school graduates. This has resulted in an insufficiency of personnel funding. While the bulk of the understaffing problem occurs primarily in the Division's Organized Crime and Racketeering and General Litigation and Legal Advice programs, other decision units are experiencing difficulty relative to funding allocated workyears, albeit to a lesser degree.

	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease	
	Anticipated			Perm.			Perm.			Pos.	Amount
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount		
Office of special investigations....	49	50	\$2,522	49	50	\$2,676	49	50	\$2,676	...	...

Long-Range Goal: To prosecute individuals who allegedly concealed activity committed during World War II involving the persecution of others because of race, religion, national origin, or political opinion, and who thereby gained access to the United States. (Denaturalization/deportation is the focus of investigation and litigation as these individuals allegedly falsified their entry and naturalization documents.)

Major Objectives:

To identify all alleged Nazi war criminals living in the United States; systematically review and investigate all relevant allegations received by the program; conduct further investigation in cases as necessary; prosecute appropriate cases; litigate all filed cases; and, develop and maintain working relationships with foreign governments having information relating to the activities of suspected Nazi war criminals, particularly critical in obtaining relevant documents and witnesses.

Base Program Description: The mission of this program is to detect, identify, investigate, and, where appropriate, take legal action to deport, denaturalize or prosecute any individual who: (1) assisted the Nazis by persecuting any person because of race, religion, national origin or political opinion, and (2) later was admitted as an alien into, or became a naturalized citizen of, the United States. The activities of this program include historical research, file review, investigations, witness interviews in the U.S. and abroad, litigation support, and denaturalization/deportation litigation before administrative bodies and U.S. courts. There are four major phases of work: (1) identification, consisting of matching a name of a United States resident to an allegation or suspicion of war crimes, and opening an OSI file on that person; (2) investigation of suspects; (3) filing litigation; and, (4) appeals of judgment or other final orders. Four types of litigation action may be conducted: (1) if the subject is a naturalized citizen, a civil complaint may be filed in the U.S. District Court seeking a judgment of denaturalization; (2) for resident aliens (including denaturalized citizens), administrative proceedings are brought to seek their deportation; (3) criminal indictments may be pursued in cases which involve perjury (18 U.S.C. 1001) or other crimes within the statute of limitations; and (4) extradition. The litigation phase begins when the Compliant/Order to Show Cause/Indictment is filed. It ends with the judgment or the final order, and that is the basis for appeal.

Accomplishments and Workload: An additional eight cases were filed in 1982, including three deportation actions against denaturalized subjects. Seven cases went to trial that year, and decisions favorable to the government were rendered in four of them. An unfavorable decision was reached in one, and two are under submission to the court. A final order of deportation was entered in the case of Trifa, who waived all appeals. This is the first deportation order entered in the United States for fascist or Nazi activities in 30 years. In the first eleven months of 1982, 68 new investigations were initiated. In addition, 63 investigations were closed for lack of evidence or other reasons. OGI has handled 598 investigations since its establishment in 1979. In April, July, and November 1982, three teams of representatives from this office travelled to Lithuania, the Ukraine and Latvia where they successfully completed depositions of a number of witnesses whose videotaped testimony will be crucial in four denaturalization cases (U.S. v. Juodis and U.S. v. Palciauskas, U.S. District court, Tampa, Florida, U.S. v. Kunzys U.S. District Court, Newark, New Jersey and U.S. v. Spriggs, U.S. District Court, Long Island, New York). The Director of the Office has also met with high level Soviet Union, Polish, Israeli, Czech, East and West German officials and has implemented a program of cooperation in making witnesses and documents available from these countries. This is particularly significant because many of the program's allegations can be successfully pursued only on the basis of information obtained from these foreign residents and document sources. Such evidence received from foreign governments has been used successfully at trial.

Item

	Estimates		
	1981	1982	1983
<u>Investigative Matters</u>			
Pending, beginning of year.....	243	233	238
Opened.....	52	68	65
Closed.....	62	63	100
Pending, end of year.....	233	238	203
<u>Cases</u>			
Pending, beginning of year.....	18	21	29
Opened.....	8	8	8
Closed.....	5	0	6
Pending, end of year.....	21	29	31
			32

1983 Appropriation	Anticipated			1984 Base			1984 Estimate			Increase/Decrease	
	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount	Pos.	WY
Prosecution support.....	85	85	\$3,392	82	82	\$3,479	82	82	\$3,479	...	...

Long-Range Goal: To provide a wide range of litigative assistance and prosecution support, thereby enabling the litigating components of the Criminal Division, U.S. Attorneys' offices and other legal divisions to utilize the maximum amount of available resources for investigative and prosecutive activities concerning national and international criminal activity. This program includes the Division's Offices of International Affairs, Enforcement Operations and Legal Support Services.

Major Objectives:

To play a major role in coordinating the United States' effort to combat serious international criminal activity by substantially improving its ability to extradite fugitives to and from the United States; to obtain investigative information and admissible evidence in connection with major international criminal investigations and prosecutions; and, to continue to ensure that transfers of prisoners under existing treaties are handled efficiently, effectively and in a timely manner.

To promote and participate in negotiations and revise legislation relative to new extradition treaties.

To participate in prisoner transfer treaty negotiations and to direct prisoner transfers to and from the United States.

To ensure that the utilization of sensitive investigative techniques by Federal Investigative agencies and United States Attorneys is consistent with the law and Department policy and to review and recommend the approval of the use of those techniques.

To review and recommend approval of applications for the Witness Security Program, review witness relocation requests and deal with the myriad other matters associated with the Witness Security Program.

To implement statutes such as the immunity law provisions, the Tax Disclosure Act, the Freedom of Information Act and the Privacy Act (FOIA/PA), as well as Department regulations governing matters such as subpoenas directed at Department employees and the news media.

To provide effective and reliable services to Federal prosecutors in the implementation of these statutes and regulations.

To process requests for witness immunity within the two-week timeframe allowed by the Department guidelines.

To process requests for tax information disclosure.

To maintain a Division-wide legal brief and policy memorandum bank.

To maintain an up-to-date United States Attorneys' Manual and to have Criminal Division updates prepared on a regular basis.

Base Program Description: This program seeks, through the Division's Office of International Affairs (OIA), to centralize, coordinate and service the Department's responsibilities concerning criminal related international legal matters in the areas of extradition, international legal assistance and prisoner transfers. The handling of treaty negotiation and implementation, international legal assistance and prisoner transfers demands effective liaison between OIA and numerous foreign and domestic entities, including the Department of State, foreign governments and INTERPOL.

This program, through the Division's Office of Enforcement Operations (OEO), ensures the effective and appropriate use of sensitive investigative techniques such as wiretaps, consensual monitoring and witness relocations through the application of uniform procedural guidelines by specially-trained attorneys and paralegals. These individuals maintain effective liaison with the United States Attorneys' offices, Organized Crime Strike Forces, United States Marshals Service, the Federal Prison System, the Federal Bureau of Investigation, and all other applicable Federal, state and local investigative agencies.

Finally, through the Office of Legal Support Services (OLSS), this program provides the various components of the Division and the U.S. Attorneys' offices with a wide range of litigative assistance and prosecutive support, including the following: processing immunity applications by reviewing requests and coordinating and monitoring the witness compulsion (immunity) provisions of Title II of the Organized Crime Control Act of 1970; processing requests for disclosure of tax returns, taxpayer information and return information pursuant to the Tax Disclosure Act of 1976; processing Freedom of Information and Privacy Act requests; collecting criminal fines and penalties by overseeing and assisting the U.S. Attorneys in the collection of criminal fines, appearance bond forfeiture judgments, criminal penalties and criminal court costs; responding to subpoenas and court orders against the Department; responding to allegations of illegal electronic surveillance; processing subpoenas against the news media; updating the Criminal Division's portion of the United States Attorneys' Manual; maintaining the legislative files and records of the Division; maintaining the Legal Reference Unit, a legal brief and policy memorandum bank for use by Division attorneys and paralegals; responding to citizen mail on criminal matters by the Correspondence Unit; and preparing the Division's monthly and annual reports to the Attorney General. The provision to these services is accomplished through close liaison between OLSS, and litigating components of the Criminal Division, and the United States Attorneys' offices.

Accomplishments and Workload: The accomplishments and workload of the Prosecution Support program are presented in the following exhibits, detailing the activities of the Division's Offices of International Affairs, Enforcement Operations and Legal Support Services.

Office of International Affairs

Item	Estimates			
	CY 1981	CY 1982	CY 1983	CY 1984
Extradition				
Foreign requests to the U.S.	106	130	150	170
U.S. Federal requests	86	100	110	120
U.S. state requests	76	96	115	135
Total fugitives requested	268	325	385	435
International Assistance in Criminal Matters				
United States requests	140	165	185	210
Foreign requests	90	130	155	180
Mutual assistance treaties in force	2	2	6	8
Prisoner Transfers				
Prisoners transferred to U.S.	58	60	65	300
Foreign requests	59	60	65	75
Mutual assistance treaties in force	6	6	6	12
				81

Office of Enforcement Operations

Item	1981	1982	1983	Estimates	1984
New WSP requests.....	306	340	325		325
Matters concerning witnesses from prior years.....	35	30	30		25
Prisoner-witness matters.....	225	235	240		240
Title III requests.....	202	248	245		245
Consensual requests.....	10,782	11,528	12,000		12,000
Confidential fund requests.....	0	0	2		2
Requests for use of hypnosis.....	-115	48	100		100
Requests for use of FBI equipment.....	2	1	5		5
Statistical reports (Title III/consensuals).....	69	69	69		69
Statistical reports (Witness Security Program).....	71	71	71		71
Witness accepted into program.....	260	300	300		300
Emergency WSP requests authorized.....	7	6	5		5
Wiretaps approved.....	169	226	220		220
Consensuals approved.....	10,782	11,522	11,995		11,995
Paralegals assuming review of Title III requests.....	0	0	1		1

Office of Legal Support Services

Item	1981	1982	1983	Estimates	1984
Witness immunities processed.....	3,271	3,810	3,800		3,800
Electronic surveillance checks with investigative agencies.....	68	70	70		70
Tax disclosure requests processed.....	350	488	500		550
Correspondence letters answered.....	6,536	8,472	8,000		8,000
28 C.F.R. 16.21 subpoenas processed.....	750	800	800		800
FOI/PA requests received.....	1,459	995	1,250		1,250
processed.....	1,143	621	963		963
Memoranda processed for brief bank inclusion.....	1,600	1,600	1,600		1,600

1983 Appropriation Anticipated	1984 Base			1984 Estimate			Increase/Decrease				
	Perm. Pos.	MY Amount		Perm. Pos.	MY Amount		Perm. Pos.	MY Amount			
Management and administration.....	92	97	\$4,065	92	97	\$4,362	92	94	\$5,014	-3	\$652

Long-Range Goal: To enhance, through the Office of the Assistant Attorney General and immediate staff, the administration of Federal criminal justice by administering in an effective, fair and uniform manner the nearly 900 Federal criminal laws that fall within the enforcement responsibility of the Criminal Division. To provide, through the Office of Administration, efficient and effective administrative support to the Division's managers and staff and to implement improved management systems. To increase, through the Office of Policy and Management Analysis and the Office of Legislation, the Criminal Division's impact on law enforcement problems through more effective policies and by providing assistance to the law enforcement community in the development and review of legislation.

Major Objectives:

- To supervise the development and implementation of Department policy in order to ensure an effective, fair and uniform administration of Federal criminal laws.
- To establish Federal criminal law enforcement priorities and coordinate and facilitate their implementation throughout the criminal justice system.
- To effectively supervise the planning and operations of the Criminal Division's litigating and support components.
- To maintain top level liaison with the investigative agencies of the Federal Government, other Federal agencies and state and local enforcement agencies.
- To provide a wide range of administrative services to the components of the Division, including: preparation and execution of the budget and the fiscal operating plan, procurement, personnel services, space and equipment acquisition and maintenance, purchase and operation of word processing and ADP equipment, travel administration, maintenance of the Division's official records and files, administering security programs, and other administrative services as may be required.
- To monitor, analyze and comment upon legislative proposals developed by Congress and the Administration which effect the criminal justice system.
- To improve and support those measures which will advance Federal law enforcement.
- To facilitate the enactment of a new Federal Criminal Code to replace the existing Title 18, U.S.C., or, absent that enactment, to draft legislation to update and improve Title 18.
- To analyze law enforcement issues and problems and aid in the development of new enforcement priorities and programs.
- To evaluate the enforcement programs of the Criminal Division, identifying needed improvements and ensuring the Division's management systems, policies and practices, primarily in the area of management information systems.

Base Program Description: The Office of the Assistant Attorney General carries out its policy-making, supervisory and top level liaison functions through the Assistant Attorney General, four Deputy Assistant Attorneys General, a Special Counsel, a Special Assistant, Senior Counsel and support staff.

Administrative services are provided by the Office of Administration. The following six operational units work closely with other programs of the Criminal Division, the Department and other Federal agencies, to assure that the Division's administrative services are provided in an efficient and timely and cost-effective manner: the Office of the Director; the Personnel Unit; the Fiscal Unit; the Mail, File and Records Unit; the Procurement, Space and Security Unit; and, the Statistical Unit.

The high-level staff support functions performed by the Office of Legislation demand expertise across the breadth of criminal law, as well as familiarity with the organization, rules, and procedures associated with the Congress. Close liaison is maintained with, among others, Members of Congress and their staffs, the Department's Office of Legislative Affairs, the Associate Attorney General's Office, Officials of the Department and the Division, the United States Attorney's Advisory Committee and representatives of Federal investigative agencies.

The Office of Policy and Management Analysis provides the Division with the analytical capabilities needed to perform policy development and management improvement functions. The Office's professional staff includes attorneys, program analysts, and management analysts with expertise in such areas as public and business administration, criminology, economics, organizational behavior, program evaluation, information systems, statistical methods, and operations research. Each staff member is assigned to work primarily in one of the following areas: organized crime, fraud and corruption, narcotics, other violent and property crimes, or general management improvement.

Accomplishments and Workload: Through the Office of the Assistant Attorney General, this program has continued to provide the Federal criminal justice system with national leadership, centralized coordination and effective direction. Division leadership has achieved several notable accomplishments during the past year, including the following: support, participation and policy guidance relative to the development of the Law Enforcement Coordinating Committee's (LECC's); establishment of the Export Control Enforcement Group, an interagency group created to improve the enforcement of export control laws; the Assistant Attorney General's chairing of the Working Group on Law Enforcement and Public Safety, which operates in conjunction with the Emergency Mobilization Preparedness Board; and, direction of the Attorney General's Cuban Status Review Process.

The Office of Administration, despite resource decreases during recent years, has continued to provide the essential administrative services required by the Criminal Division. In addition to performing its routine administrative functions, the Office had some notable accomplishments during the past year, including the following: the administration of staff support to the Attorney General's Cuban Status Review Process in the Atlanta Federal Penitentiary; the initiation, installation and management of an ADP support system to assist in the investigation and prosecution of a major organized crime organization; the relocation or establishment of Criminal Division field offices in New Haven, Philadelphia, Atlanta, Kansas City, Hartford, Port Lauderdale and Puerto Rico; the procurement and installation of word processing equipment and the provision of training in its operation, thereby improving the efficiency of the components of the Division; and, the expansion of Division participation in attorney training programs through the Attorney General's Advocacy Institute and U.S. Attorneys' offices.

The program's Office of Legislation realized many notable achievements during the past year relative to the preparation of legislation, testimony, policy papers and analyses of proposed legislation affecting criminal law enforcement. Workload statistics are presented in the exhibit below:

Office of Legislation

Item	Estimates			
	1981	1982	1983	1984
Bills received for comment.....	182	225 1/	250	275
Draft legislative proposals received for comment.....	88	136 1/	150	175
Major proposals requiring extensive ongoing support				
Planned.....	7	10	10 2/	8
Actual.....	11	10	...	...

1/ Contrary to past patterns, the number of bills and draft proposals increased in the second year of the 97th Congress; hence, it is projected they will continue to increase each year into the future.

2/ The number of major proposals is expected to remain high since key provisions of the Criminal Code Reform Bill will be considered separately if, as expected, a new Code Revision Bill is not introduced.

The program's Office of Policy and Management Analysis had several notable accomplishments during 1982, including the following: the preparation of guidance to the United States Attorneys on developing Law Enforcement Plans for their districts; the design of the Fraud and Corruption Tracking (FACT) System, an ADP system to assist the administration's program to combat fraud, waste and abuse; the provision of staff support for information systems relative to the new Drug Task Force Program; the conduct of three formal reviews of Organized Crime Strike Force offices to assess the nature and extent to organized crime and the effect of Strike Force efforts; assistance in the assessment of the computer needs of the Division; coordination of the development of the Case Management Information system (CMIS), a case tracking system utilized by the major litigating programs of the Division; and, the continued analysis and development of programs relative to organized crime, narcotics, fraud and corruption and violent crime. Workload statistics are detailed in the exhibit below:

Item	Estimates			
	1981	1982	1983	1984
Projects pending, beginning of year.....	18	20	27	32
Projects initiated.....	65	64	65	70
Projects completed.....	63	57	60	65
Projects pending, end of year.....	20	27	32	37

Program Changes: This program will be decreased by three workyears (The Office of Legislation will be reduced by one workyear and \$38,000 and the rest of the program will be reduced by two other-than-full-time-permanent workyears). While this will marginally decrease staffing flexibility with respect to the hiring of temporary support personnel, e.g., Summer Law Interns and temporary clerical staff, this decrease is not expected to negative./ affect current program activities, priorities or operations.

An increase of \$390,000 is requested for the lease, installation and operation of a minicomputer system which will expand considerably the Division's currently inadequate data processing capability. It is imperative that the Division join the Department's other legal divisions in the application of sophisticated information systems technology. To serve the needs of the entire Division, this program will contract for the development of customized computer software to support a variety of system applications. In particular, the program will revise and expand the Division's current Case Management Information System (CMIS) to be compatible with the PROMIS case tracking systems installed in United States Attorneys' offices and also to provide data necessary for improved case tracking, planning and oversight, attorney timekeeping, workload monitoring, budget formulation and execution and resource management. The new minicomputer will also enable the development of a variety of automated litigation support applications to assist attorneys in handling voluminous case data or in tracking complex transactions associated with specific cases. This ability to provide improved litigation support will enhance the Division's ability to investigate and prosecute cases effectively and expeditiously and will enable the implementation or refinement of new investigative strategies, e.g., tracing complex financial transactions to establish the disposition of illegally acquired funds.

An increase of \$300,000 is requested to continue the improvement of the Division's word processing capability. Word processing acquisition and maintenance is managed by the program's Office of Administration. Within the last year, the program has expanded the acquisition of word processing equipment through the diversion of monies from other nonpersonnel budget areas. This practice is no longer feasible, given the staffing needs and higher operating cost requirements of the Division. Increased funding, specifically earmarked for word processing equipment, is necessary to continue this important effort. The significant increases in office productivity resulting from the use of new word processing capabilities demonstrate the need to maintain and continue the development of this activity.

After including the previously mentioned \$38,000 reduction to the Office of Legislation, the net increase requested for this program is \$652,000.

Criminal Division
Salaries and expenses, General Legal Activities
Priority Rankings

<u>Base Program</u>		<u>Program Increases</u>	
<u>Program</u>	<u>Ranking</u>	<u>Program</u>	<u>Ranking</u>
Narcotic and Dangerous Drug Prosecution	1	Management and Administration	1
Organized Crime Prosecution	2	Organized Crime Prosecution	2
Fraud	3	General Litigation and Legal Advice	3
Public Integrity (corruption)	4		
Internal Security	5		
General Litigation and Legal Advice	6		
Office of Special Investigations	7		
Federal Appellate Activity	8		
Prosecution Support	9		
Management and Administration	10		

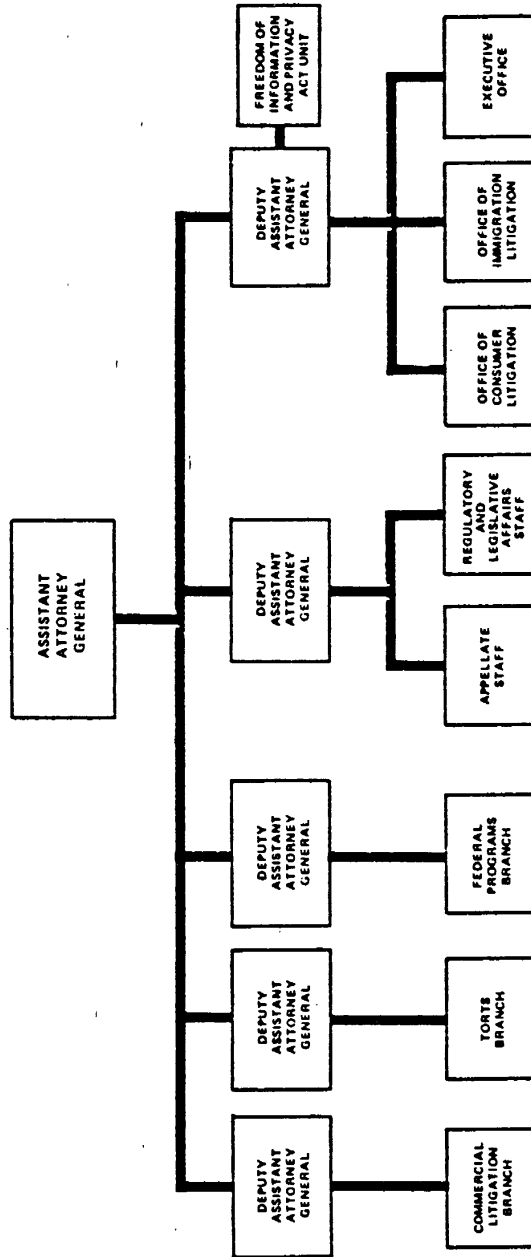
Criminal Division
 Salaries and expenses, General Legal Activities
 Detail of Permanent Positions by Category
 Fiscal Years 1982 - 1984


Category	1982 Authorized	1983 Authorized	Trans. In the Estimates	1984	
				Program Increases	Total
Attorneys (905).....	429	410	...	...	410
Paralegals (950).....	59	59	...	...	59
Other Legal and Kindred (900-998).....	10	10	...	...	10
Other Miscellaneous (001-099).....	2	2	...	...	2
Social Sciences, Economics (100-199).....	7	7	...	...	7
General Admin., Clerical (300-399).....	250	247	-1	...	246
Accounting and Budget (500-599).....	7	7	...	...	7
Library and Archives (1400-1499).....	2	2	-2	...	...
Total.....	766	744	-3	...	741
Washington.....	543	532	-3	...	529
U.S. Field.....	223	212	...	...	212
Total.....	766	744	-3	...	741

Criminal Division
Salaries and expenses, General Legal Activities
Financial Analysis - Program Changes
(Dollars in thousands)

Item	Federal Appellate Activity		Organized Crime Prosecution		Public Integrity		Narcotic and Dangerous Drugs		General Litigation Legal Advice		Management and Administration		Total	
	Pos.	Amt.	Pos.	Amt.	Pos.	Amt.	Pos.	Amt.	Pos.	Amt.	Pos.	Amt.	Pos.	Amt.
Lapse.....	-1	...	-2	\$208	-1	...	-1	...	-1	\$89	-3	-\$35	-9	\$262
Total workyears and personnel compensation.....	-1	...	-2	208	-1	...	-1	...	-1	89	-3	-35	-9	262
Personnel benefits.....	...	...	19	...	...	...	...	...	9	...	-3	...	25	...
Communications, utilities and other rent.....	...	...	...	...	...	...	...	...	...	...	440	...	440	...
Other services.....	...	...	...	...	...	...	...	...	...	...	150	...	150	...
Equipment.....	...	...	...	...	...	...	...	...	...	...	100	...	100	...
Total workyears and obligations, 1984.....	-1	...	-2	227	-1	...	-1	...	-1	98	-3	652	-9	977

CIVIL DIVISION



Approved:  Date: 1/1/83
 EDWARD C. SCHIMULTS
 Deputy Attorney General

Civil Division
Salaries and expenses, General Legal Activities

Crosswalk of 1983 Changes
(Dollars in thousands)

Activity/Program	1983 President's Budget Request		Congressional Appropriation Actions on 1983 Request		Reprogramming		1983 Supplemental Pay Requested		1983 Appropriation Anticipated	
	Pos.	WY	Pos.	WY	Pos.	WY	Pos.	WY	Pos.	WY
Federal appellate activity.....	61	67	3,034	...	...	...	...	...	61	67
Tort claims.....	135	137	8,026	...	...	...	...	...	135	137
Commercial litigation.....	208	211	10,312	...	...	...	...	...	207	210
Federal programs.....	142	148	7,020	...	...	...	...	...	142	148
Immigration litigation.....	...	...	...	...	...	...	...	...	...	...
Management & administration.....	94	104	3,655	...	...	...	...	...	94	104
Total.....	640	667	32,047	...	...	...	...	...	651	674

Explanation of Analysis of Changes from 1983 Appropriation Request

Congressional Appropriation Actions

The Congress reduced the General Legal Activities appropriation's 1983 request by \$437,000 based on its decision to hold the 1983 Standard Level User Charges (SLUC) amounts at the rates incurred during 1982. The Civil Division's portion of this reduction is \$106,000.

Reprogramming

The reprogramming of \$1,142,000 to the Civil Division from the other legal divisions represents the Department's priority placed on the continuation of the project to automate litigation support activities in the Civil Division during 1983. Also, a reprogramming of 11 positions, 7 workyears and \$50,000 is proposed from the Criminal Division to the Civil Division in 1983 to relocate responsibility for civil immigration litigation in the Civil Division.

Supplemental Requested

The pay request provides \$1,106,000 to meet increased pay requirements (Executive Order 12387, October 3, 1982 as modified by P.L. 97-248, the Tax Equity and Fiscal Responsibility Act of 1982, and P.L. 97-377, Further Continuing Appropriations).

Civil Division
Salaries and Expenses - General Legal Activities
Summary of Requirements
(Dollars in thousands)

	Pos.	Perma.	Work- Years	Amount											
<u>Adjustments to base:</u>															
1983 as enacted.....	670	667	\$31,941												
Reprogramming:															
From other GLA organizations for litigation support activities.....	...	...	1,142										
From Criminal Division for civil immigration litigation.....	11	7	350												
1983 Pay supplemental requested:															
Increased pay costs.....			\$930												
Medicare costs.....			198												
Amount absorbed.....			-22												
Net pay supplemental.....				1,106											
1983 appropriation anticipated.....	651	674	34,539												
Transfer from Antitrust Division for consumer affairs litigation.....	38	40	1,681												
Transfer from Immigration & Naturalization Service for Immigration litigation.....	4	4	250												
Uncontrollable increases:															
Annualization of 1983 pay increases.....	...	...	10										
Annualization of Executive Level pay increases.....	...	...	42										
Annualization of medicare costs.....	...	...	68										
Annualization of reprogramming from Criminal Division for civil immigration litigation.....	...	...	4	227									
Within-grade increases.....	...	...	228										
Health benefits costs.....	...	...	57										
Standard Level User Charges (SLUC).....	...	...	1,623										
GSA recurring reimbursable services.....	...	...	20										
Postal Service redistribution.....	...	...	75										
CAP Telephone rate increase.....	...	...	23										
Telephone system line charges.....	...	...	51										
GPO printing costs.....	...	...	2										
Full-field investigations.....	...	...	8										
Employee data and payroll services.....	...	...	6										
General pricing level adjustment.....	...	...	406										
Total, uncontrollable increases.....	...	...	4	2,845									
Decreases:															
One less compensable day.....	...	...	-84										
Nonrecurring cost for change in hourly rate.....	...	...	-109										
Nonrecurring cost for 1983 litigation support activities.....	...	...	-1,359										
Federal Telecommunications System (FTS) redistribution.....	...	...	-16										
Total, decreases.....	...	...	-1,558										
1984 Base.....	693	722	\$37,748												
1983 Appropriation Anticipated															
Perma.	Pos.	WY	Amount												
1984 Base	Pos.	WY	Amount												
1984 Estimate															
Perma.	Pos.	WY	Amount												
Estimates by budget activity															
1982 Actual	Pos.	WY	Amount												
Perma.	Pos.	WY	Amount												
4. Claims, customs, and general civil matters..	640	624	\$31,960	651	674	\$34,539	693	722	\$37,748	702	722	\$44,815	9	...	\$7,067

Civil Division
Salaries and expenses, General Legal Activities
Summary of Resources by Program
(Dollars in thousands)

Estimates by Program	1982				1983				1984				1984 Estimate				Increase/Decrease			
	1982 as Enacted		1982 Actual		Appropriation		Anticipated		1984 Base		1984 Estimate		1984 Estimate		1984 Estimate		Increase/Decrease		Increase/Decrease	
	Pos.	WY	Pos.	WY	Pos.	WY	Pos.	WY	Pos.	WY	Pos.	WY	Pos.	WY	Pos.	WY	Pos.	WY	Pos.	WY
Federal appellate activity.....	61	67	61	65	61	67	61	67	61	67	61	67	61	67	61	67	...	...	...	\$120
Tort claims.....	135	137	135	137	135	137	135	137	135	137	135	137	135	137	135	137	...	...	...	4,676
Commercial litigation.....	208	211	208	211	207	210	207	210	207	210	207	210	207	210	207	210	...	...	...	1,007
Federal programs.....	142	148	142	132	142	148	142	148	142	148	142	148	142	148	142	148	...	...	...	950
Consumer litigation.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Immigration litigation.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Management and administration.....	94	104	94	79	94	104	94	104	94	104	94	104	94	104	94	104	...	...	...	...
Total.....	640	667	640	624	640	667	640	667	640	667	640	667	640	667	640	667	9	...	9	...
Other Workyears																				
Holiday.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Overtime.....	6	6	6	3	6	6	6	6	6	6	6	6	6	6	6	6	...	...	...	...
Total compensable	673	673	673	627	673	673	673	673	673	673	673	673	673	673	673	673	...	...	...	...
Workyears.....	673	673	673	627	673	673	673	673	673	673	673	673	673	673	673	673	...	...	...	...

Civil Division

Salaries and expenses, General Legal Activities

Justification of Program and Performance

Activity Resource Summary
(Dollars in thousands)

Activity: Claims, customs, and general civil matters	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease		
	Anticipated									Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Federal appellate activity.....	61	67	\$3,134	61	67	\$3,365	61	67	\$3,485	...	...	\$120
Tort claims.....	135	137	8,934	135	137	8,712	135	137	13,388	...	...	4,676
Commercial litigation.....	207	210	10,978	207	210	11,190	207	210	12,197	...	...	1,007
Federal programs.....	142	148	7,239	142	148	7,761	142	148	8,711	...	...	950
Consumer litigation.....	...	...	...	35	37	1,568	35	37	1,568	...	...	...
Immigration litigation.....	12	8	436	16	16	915	16	16	915	...	...	...
Management and administration.....	94	104	3,817	97	107	4,237	106	107	4,551	...	...	314
Total.....	651	674	34,539	693	722	37,748	702	722	44,815	9	...	7,067

This activity provides for representation of the interests of the United States in all types of civil cases and matters except those within the specialized fields of the other Divisions of the Department. The litigation encompasses the full spectrum of legal problems encountered by private business enterprises because the departments and agencies of the Government are engaged in innumerable commercial ventures similar to those of a modern corporation, such as buying, selling, construction, shipping, production of energy, insurance, housing and banking. In addition, the Division litigates the significant policy issues, often rising to constitutional dimension, associated with Government activities. Hence, the overall objective of Civil Division activity is to provide the Government with the best possible legal representation. While the Division operates as the Government's law firm, it also functions as a counselor and advisor for important Government programs that may come into litigation.

	1983 Appropriation		1984 Base		1984 Estimate		Increase/Decrease	
	Perm.	WY Amount	Perm.	WY Amount	Perm.	WY Amount	Perm.	WY Amount
Federal appellate activity.....	61	67 \$3,134	61	67 \$3,365	61	67 \$3,485	...	\$120

Long-Range Goal: To protect the interests of the United States by successfully defending against appeals seeking reversal of appellate court and agency decisions favorable to the Government, securing the reversal of appellate court or agency decisions against the Government and preparing documents for filing in the Supreme Court.

Major Objectives:

To prevail in appellate litigation challenging trial court or administrative decisions in favor of the United States.

To initiate and prevail in appeals in which the Government's opponents were successful at the trial court or administrative levels.

To protect the Government's interest at the highest level of appeal by preparing documents to be filed by the Solicitor General in the Supreme Court.

Base Program Description: Because of the recent caseload growth, the trend has been to assign a smaller percentage of appellate cases (19.0 percent) to Appellate Staff attorneys. The remaining caseload (81.0 percent) is assigned as supervised matters to the U.S. Attorneys (62.5 percent), to trial attorneys elsewhere in the Division (7.0 percent) or to the trial attorneys in the client agencies (11.5 percent). Cases retained by the Appellate Staff are handled by a staff attorney and a supervisory attorney. In the supervised cases, the Appellate Staff monitors the case and provides assistance and review to U.S. Attorneys, Division trial attorneys and client agency attorneys, as needed.

Criteria used for retention of cases by the Appellate Staff include: certiorari caliber cases and cases involving constitutional issues, large sums of money, important Federal programs, new statutory provisions, involvement of several agencies or significant issues calling for specialized appellate expertise such as jurisdictional issues and important national policies. All appeal and certiorari memoranda and draft materials for filing in the Supreme Court cases are personally handled by the Appellate Staff attorneys.

The Staff devotes approximately 55 percent of its time to briefing and arguing cases in courts of appeals, 20 percent to preparing memoranda to the Solicitor General and 25 percent to Supreme Court work. Of the time spent on courts of appeals work, 90 percent is devoted to personally handled cases and 10 percent to supervised cases.

A small staff of paralegals assists attorneys by reviewing reports, depositions and testimony, performing legal research, organizing document libraries, preparing case materials and summaries and other case-related activities.

Accomplishments and Workload: Quantitative measurements for the Federal Appellate Activity program are presented in the following table:

Item	Estimates			
	1981	1982	1983	1984
<u>Supreme Court:</u>				
Personally Handled Cases				
Pending -- start-of-year.....	133	154	175	75
Received.....	264	322	403	504
Terminated.....	243	301	503	503
Pending -- end-of-year.....	154	175	75	76
Certiorari Memoranda				
Pending -- start-of-year.....	138	85	84	82
Received.....	298	454	567	709
Prepared and Sent Forward.....	356	459	573	715
Terminated.....	351	455	569	711
Pending -- end-of-year.....	85	84	82	80
<u>Appeals to Federal Circuit and to State Courts of Appeals:</u>				
Personally Handled Cases				
Pending -- start-of-year.....	599	608	737	677
Received.....	371	391	171	125
Terminated.....	362	262	231	203
Pending -- end-of-year.....	608	737	677	599
Supervised Cases				
Pending -- start-of-year.....	2,555	2,594	3,143	3,490
Received.....	1,534	1,668	1,751	1,479
Terminated.....	1,495	1,119	1,404	1,426
Pending -- end-of-year.....	2,594	3,143	3,490	3,543

Item	Estimates	
	1981	1982
Appeals Memoranda		
Pending -- start-of-year.....	355	342
Received.....	1,895	1,994
Prepared and Sent Forward.....	1,908	2,012
Terminated.....	1,900	1,999
Pending -- end-of-year.....	342	337
		332
		1,798
		1,811
		1,793
		337
		332
		1,630
		1,649
		1,634
		328

The Appellate Staff successfully participated in Supreme Court cases involving: federal programs (to date the integrity of the 1980 Decennial Census has been upheld against numerous law suits); foreign policy (Dames & Moore v. Reagan upheld the International Emergency Economic Powers Act which gave the President broad powers in the emergency to nullify attachment against Iranian assets and to direct the transfer of those assets); mine safety (Donovan v. Dewey upheld the legality of unannounced warrantless inspections); personal privacy (Department of State v. Washington Post will provide agencies far greater latitude in determining what files requested under the Freedom of Information Act can be excluded under a provision which provides that the Act's disclosure requirements do not apply to files which would constitute a clearly unwarranted invasion of personal privacy); and the draft (Rostker v. Goldberg upheld the provisions of the selective service act that authorized the registration of males and not females).

The staff successfully participated in courts of appeals cases upholding the retroactive freeze of federal hiring (N.T.E.U. et al. v. Reagan, et al.); maintaining the removal of PATCO as the exclusive bargaining agent for the FAA's air traffic controllers (PATCO v. NLRB); and establishing as the law of the land the freedom of military (and civilian) officers from damage suits by fellow servicemen for service connected injuries (Jaffee v. United States).

The burden of appeal and certiorari memoranda has been reduced by the institution of routine memoranda for cases involving less than \$500,000, where neither the client agency nor the trial attorney recommends for appeal or certiorari and where no significant legal issues are raised; also, Social Security benefits cases (1,500 in 1980), no appeal memoranda is prepared unless the Department of Health and Human Services or the trial attorney recommends that an appeal be taken. Both attorneys and clericals are now able to devote their time to the more important cases because of the elimination of much of a largely routine process.

A computerized case management information system and an attorney paralegal timekeeping system have been implemented to provide up-to-date information on individual cases, workload, resource use and resource requirements.

Program Changes: An increase of \$120,000 over the base is requested. This increase will enable the Appellate Staff to initiate an automated litigation support program and further automate its office operations.

Based on its current caseload and the increased level of appeals anticipated in 1984, the Appellate Staff expects to handle several appeals where a mastery of fact is material appearing in the record of the trial court proceedings is essential to the preparation of the appellate brief. The Appellate Staff will require a program increase of \$43,000 for the automation for full text search of 30,000 pages of trial transcript and deposition. Full text search will bring the brief writer directly to the words in the transcript he is looking for, save hours of search time, and give the attorney more time to improve the strategy of his appeal or handle additional appeals.

The volume of materials involved in such cases forced the Division to seek more cost effective and less labor intensive alternatives to its prior methods of handling such litigation. Automated systems have proven to be more cost effective and efficient than the traditional manual procedures. For example, automated data retrieval systems provide the ability to scan millions of separate pieces of information and rearrange them in a matter of minutes to meet the attorney's needs, whereas manual searching, organizing and re-organizing require weeks of effort. The increasing use of automation by the private bar has attested to both the practical and economic necessity of using computers in cases involving a substantial number of documents. The Appellate Staff's counterparts in private law firms have been increasingly able to assimilate and organize large amounts of information. This expanding use of litigation support services challenges the litigating capacities of Branch attorneys. Because the Staff represents the United States in the most important appeals and Supreme Court matters it is imperative that we initiate and expand litigation support activities in order to negate the opposing counsel's advantage of more sophisticated support services.

The remaining part of the program increase (\$77,000) consists of a pro rata share of funds for the lease or purchase of additional ADP systems hardware and software and telecommunications devices. These additional leases and purchases will enable the Division to improve the efficiency of telephone usage through the installation of an automated telephone messaging system. This system will enable Division staff to send or receive voice messages when it is convenient and will reduce the need for both parties to be on the telephone simultaneously in order to move messages. This device will save significant amounts of attorney and secretary time which is now spent in making and returning calls that do not get through and manually taking messages.

The increase will also allow for continued lease of the IBM System/38 CPU together with printers, terminals and software. Increased use of the System/38 has allowed its user response time and use will inevitably increase as the Civil Division further develops uses for the system. In order to match the hardware and software with user's needs, the Division plans to increase its spending on ADPE rentals for 1) CPU upgrades to improve the responsiveness of the computer, 2) additional terminals, including 100 executive terminals to bring automation directly to the desks of attorneys, 3) significantly upgraded printers, 4) additional disk storage and 5) additional software.

	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease		
	Anticipated			Perm.			Perm.			Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Tort claims.....	135	137	\$8,934	135	137	\$8,712	135	137	\$13,388	...	...	\$4,676

Long-Range Goal: To protect the interests of the United States by successfully litigating in defense of non-meritorious monetary claims, preventing excessive losses from meritorious monetary claims and maximizing the monetary recovery for injury and damages to Government property.

Major Objectives:

To prevail in defensive tort claims suits.

To initiate and prevail in tort claims suits involving instances in which the Government has sustained injury.

Base Program Description: The Torts Branch conducts, handles or supervises two types of litigation: suits in defense of monetary claims which are 93 percent of the workload and suits for the recovery of money which are 7 percent of the workload.

A defensive tort claims suit is preceded by an administrative claim filed with the appropriate agency. Every effort is made at this level to settle the claim. Any settlement of \$25,000 or more requires the concurrence of the Attorney General or his appointee. If a claim cannot be settled at the administrative level, a suit is filed and the Branch becomes involved. An affirmative torts case is initiated at the agency or department level with an attempt to recover the claim from the accused parties. Upon refusal by the accused parties to settle the claim, the case is referred to the Branch for prosecution. The Branch has the discretion to either settle or litigate both defensive and affirmative cases after the merits of the case are studied. Normally, only cases with potential for success are litigated. If a defensive case appears to lack this potential but involves a large amount of money, it may be litigated in hopes of discounting the final payment.

When a case is accepted for litigation, the program staff determines whether the case will be delegated to the U.S. Attorneys, supervised, or personally handled by the program staff. Significant litigation is personally handled by program personnel. Cases in which the amount sought is within the settlement authority of the U.S. Attorneys (\$100,000) are generally delegated. Additionally, there are a number of cases that can be classified as routine that are over the \$100,000 ceiling that are delegated. In deciding whether these cases will be personally handled or assigned to the U.S. Attorneys as supervised or delegated, consideration is given to such factors as resources available in the Branch, resources available in the U.S. Attorneys' Office, familiarity of the U.S. Attorneys' Office personnel with the issues and substance of the litigation, experience of Branch personnel with the area of litigation and whether or not policy issues are involved.

The Branch devotes approximately 60 percent of its attorney worktime to litigation (49 percent to defensive litigation and 11 percent to affirmative litigation). Approximately 87 percent of this time is devoted to personally handled cases, 12 percent to supervised cases and 1 percent to delegated cases. Approximately 47 percent of this time is spent on pre-trial activities including discovery, 13 percent is spent on trial activity, 30 percent is spent on post-trial activities including appeals and 10 percent is spent on case review.

The Branch devotes approximately 15 percent of its attorney worktime to Branch management and employee supervision and 12 percent to non-case specific activities including assistance to client agencies (2 percent), preparation of non-case correspondence (3 percent) and professional development and training (7 percent). The remaining 13 percent covers leave and other excused absences.

Item	1981				1982				Estimates			
	No.	Claims in Mil.	No.	Claims in Mil.	No.	Claims in Mil.	No.	Claims in Mil.	No.	Claims in Mil.	No.	Claims in Mil.
Supervised Cases												
Pending — start-of-year.....	3,372	\$32,798	4,386	\$29,546	5,000	\$32,584	5,768	\$39,366				
Received.....	2,046	4,797	2,008	98,566	2,008	17,731	2,008	18,972				
Terminated.....	1,032	8,049	1,394	95,228	1,240	10,949	1,376	13,001				
Awards in Terminated Cases.....		38		50		44		52				
Savings to U.S. Treasury.....		8,011		95,478		10,905		12,949				
Pending — end-of-year.....	4,386	29,546	5,000	32,584	5,768	39,366	6,400	45,337				
Cases Received and Delegated.....	1,102	11,788	1,515	5,761	2,082	14,949	3,297	25,330				

The Torta Branch successfully limited the United States' exposure to liabilities such as: the defeat of claims for \$40 million in damages for alleged negligent Federal management of a multi-state POP contamination incident; a highly significant defense verdict and a number of extremely favorable judgments in litigation arising out of a 1975 crash of an Air Force plane near Saigon, South Vietnam, during "Operation Babylift"; the savings to the Government in four aviation cases of over \$8 million (*Ver Planck v. U.S.*, *Doak/Headley v. U.S.* and others, *Robey v. U.S.* and *Garbarino v. U.S.*); and the successful defense of the United States in a significant number of medical malpractice cases. The Torta Branch has continued to intensify its efforts to recover increased monetary awards in oil spill cleanup cases, cargo cases and cases arising out of damage to Government vessels and facilities.

Some of the Branch's most complex cases arising out of alleged injury producing events are:

- Titan II Missile leak litigation in which plaintiffs have filed suit contending that exposure to toxic fumes from the missile silo caused personal injury and seek \$25 million in damages.
- Asbestos litigation involving more than 1,200 cases around the country (and more than ten times that number of underlying claims) arising from alleged injuries from exposure to asbestos dust. Current claims amount to over \$15 billion.
- Radiation litigation in which plaintiffs have alleged negligent exposure to radiation generated by government testing programs. The 1,500 claims in this case seek over \$2 billion.

Swine Flu litigation continues to consume all the working hours of over ten staff attorneys. Although the program has disposed of or supervised the disposal of approximately half the suits originally brought, the remainder present the potential of awards well over one billion dollars.

As a means of increasing and improving client relations the Torta Branch has instituted an extensive client relations program. A team case approach has been initiated to provide training for less experienced attorneys and more flexibility in attorney scheduling.

A standardized computer-compatible case organizing and filing system, a computerized case calendaring system and pilot computer/word processing integration project have been designed and implemented. These actions have resulted in more effective handling of large complex cases.

The use of structured settlements has been increased and an expedited processing and payment program has been implemented with the General Accounting Office.

Program Changes: An increase of \$4,676,000 over the base is requested. This increase will allow the Branch sufficient resources to maintain the accomplishment of its major objectives, initiate an automated litigation program and further automate its office operations.

Based on current and anticipated caseloads, the Branch expects by 1984 to have 5,300 complex, factually intensive cases which will require litigation support. Systematic organization of these cases will increase the ability of the Branch attorneys to master the facts and use them to the Government's best advantage. The Torta Branch cases fall into three groups: complex mass litigation, complex single occurrence litigation and conventional litigation. Each of these groups involve complex situations and volumes of documents.

Complex Mass Litigation: This litigation concerns a massive family of litigation arising out of a similar event. Asbestos, radiation and Agent Orange are examples of cases of this type. The Branch expects that the asbestos, radiation and Agent Orange cases will be active in 1984 and that two additional families will be added by 1984. There will be at least 3,000 cases in these five families seeking damages of at least \$33 billion. The funds the Branch needs for litigation support for these cases will be used as follows: automating indexes; automating for full text search 20,000 pages of depositions and 40,000 pages of trial transcripts; microfilming 312,000 pages; indexing 31,000 documents; maintaining document archives for 3 families of cases; and assisting attorneys prepare for 50 trials.

Complex Single Occurrence Litigation: This litigation concerns one time events which lead to a large number of claims. Transportation disasters, floods, and other accidents are the primary source of this type of case. The Torta Branch is currently working on about seven air disasters, one major flood, two maritime accidents and a number of medically related cases which fall into the group. The Branch anticipates that in 1984, it will have 2,000 such cases in 40 families which are sufficiently complex and document intensive to justify extensive litigation support. The damages which the plaintiffs in these cases are expected to seek against the Government will be about \$22 billion. The funds the Branch needs for litigation support for these cases will be used as follows: automating indexes; automating for full text search 160,000 pages of depositions; microfilming 330,000 pages; indexing 33,000 documents; and assisting attorneys prepare for 20 trials.

Conventional Litigation: This litigation concerns events which involve one or a small group of plaintiffs. Even in these cases, however, there can be complex factual situations and many documents. The Branch expects to have 300 cases in this group in 1984 which will need some type of litigation support. Claims in these cases will be approximately \$3 billion. The litigation support needs for these cases will be used as follows: automating indexes for 50 cases (50,000 documents); automating for full text search 200,000 pages of depositions in 100 cases; microfilming 360,000 pages for 120 cases; and indexing 60,000 documents for 80 cases.

The Branch will require \$4,350,000 for automated litigation support to be used for ADP-related costs (\$496,000) and for document microfilming, indexing and maintenance and assistance in trial preparation (\$3,654,000).

The volume of materials involved in these groups of cases forced the Division to seek more cost effective and less labor intensive alternatives to its prior methods of handling such litigation. Automated systems and microform technologies have proven to be more cost effective and efficient than the traditional manual procedures. For example, automated data retrieval systems provide the ability to scan millions of separate pieces of information and rearrange them in a matter of minutes to meet the attorney's needs, whereas manual searching, organizing and re-organizing require weeks of effort.

Also, the use of microform systems provide access to large document files that are more controlled, convenient and less expensive than the conventional manual methods of copying, indexing and storing hardcopy reproductions. The increasing use of automation by the private bar has attested to both the practical and economic necessity of using computers and microform technologies in cases involving a substantial number of documents. The Branch's counterparts in private law firms have been increasingly able to assimilate and organize large amounts of information. This expanding use of litigation support services challenges the litigating capacities of Branch attorneys. Because the Branch represents the United States in claims totalling billions of dollars in these cases, it became imperative that we initiate and continue to expand litigation support activities begun in 1982 in order to negate the opposing counsel's advantage of more sophisticated support services.

The remaining part of the program increase (\$326,000) consists of a pro rata share of funds for the lease or purchase of additional ADP systems hardware and software and telecommunications devices. These additional leases and purchases will enable the Division to improve the efficiency of telephone usage and allow for continued lease of the IBM System/38 CPU together with printers, terminals and software as discussed in the Federal Appellate Activity's Program Changes.

1983 Appropriation				1984 Base		1984 Estimate		Increase/Decrease	
Anticipated				Perm.		Perm.		Perm.	
	Pos.	WY	Amount	Pos.	WY	Amount	WY	Amount	WY
Commercial litigation.....	207	210	\$10,979	207	210	\$11,190	207	210	\$12,197
									...
									\$1,007

Long-Range Goal: To successfully litigate claims for the recovery of monies fraudulently secured or improperly diverted from the United States; defend international trade policy; defend and assert the Government's contract and intellectual property rights; defend and assert the Government's financial and commercial interest under foreign treaties; and collect monies owed the United States as a result of civil judgments, compromises and defaulted loans.

Major Objectives:

To protect the interest of the United States in litigation in the areas of contract, intellectual property, military and civilian pay, international trade, custom and foreign law.

To initiate and prevail in litigation in which the Government seeks to inhibit civil fraud and recoup fraudulently secured funds; protect its financial interests in foreign claims, foreclosures and bankruptcy proceedings, contract matters and loan, subsidy and grant programs; and collect monies owed.

Base Program Description: The Branch is responsible for the Government's civil litigation arising from fraud, bribery, and other official misconduct, the collection of civil fines or other money judgments and the collection of defaulted loans. It also handles all litigation arising from the vast commercial undertakings of the Government, all contract actions, cases arising under grants, subsidies or insurance undertakings by the Government, foreclosures, bankruptcies, renegotiation, patent and copyright infringement suits and international trade cases.

In civil fraud cases, Branch managers immediately screen investigative reports received from the Federal Bureau of Investigation and the Inspectors General in the various Federal agencies to assure that any reports with case potential are assigned to an attorney for a litigation decision. This has resulted in the elimination of a large backlog of reports awaiting action. Most frauds cases are personally handled by Branch attorneys. A small percentage are assigned to the U.S. Attorneys for handling either as supervised or delegated.

Branch staff also works closely with the Criminal Division, the U.S. Attorneys and client agencies in the effort to curtail white-collar crime through the Economic Crime Units and provide intensive educational programs.

In the commercial element of the program, Branch attorneys, based on client agency referrals, initiate litigation to protect the interests of the United States in significant bankruptcy matters, including railroad and corporate reorganization proceedings; subsidy or insurance undertakings by the Government; foreclosures; reparations before the Interstate Commerce Commission; claims to recover loans made by the Government including student loan claims and veteran's educational assistance; and veteran's re-employment rights in private industry including seniority rights and claims for pay and other employment related benefits. The Branch also defends the Government in commercial cases arising out of its grant, loan and contract programs.

For intellectual property cases, Branch attorneys personally handle all cases of infringement upon the patents, copyrights and trademark rights of the Government and interference with those rights. The details of an alleged infringement or interference are studied, potential risks of losses are estimated and decisions are made on whether settlement or trial is the best route. The Branch also initiates litigation seeking to cancel patents issued as a result of fraud perpetrated on the Patent and Trademark Office and to enforce assignment to the Government of rights to inventions growing out of Government-sponsored research. The Branch also personally handles all intellectual property cases at all appellate levels.

The Branch personally handles claims brought against the Government in the U.S. Claims Court and district courts and before administrative boards involving contract claims; civilian and military pay claims; claims based upon the Constitution; private relief claims referred by either house of Congress for a report as to their validity as legal or equitable claims; claims for damages for unjust conviction and imprisonment; and excessive profits previously paid by the Government to contractors. In addition to matters heard in the Claims Court in Washington, the Branch attorneys litigate before Claims Court Judges who hold trials throughout the United States and overseas. As a result of enactment of the Federal Courts Improvement Act of 1982 (Public Law 97-164), on October 1, 1982, the Branch attorneys began personally handling all appeals from final orders and decisions by the Merit Systems Protection Board. These appeals were previously heard in U.S. Circuit Courts of Appeals and handled by the U.S. Attorneys under the case supervision of the Civil Division's Appellate Staff. Beginning on October 1, jurisdiction over these cases was transferred to the newly created U.S. Court of Appeals for the Federal Circuit.

The Branch, through contractually employed foreign counsel, represents the United States before foreign tribunals in civil cases brought by and against the United States and represents the Government in domestic cases involving questions of international and foreign law. Upon request, and in coordination with the State Department, the Branch also provides judicial assistance in legal proceedings pending before foreign tribunals and reviews and processes requests from foreign countries for litigative assistance. In addition, Branch attorneys represent the United States at international conferences dealing with judicial assistance.

The Branch attorneys enforce all active civil judgment cases involving damages, fines, and penalties owed the United States. Most cases are handled by the U.S. Attorneys to whom the program provides assistance and advice. Complex cases involving substantial potential recoveries are personally handled by Branch attorneys.

The Branch attorneys also personally handle all cases in the Court of International Trade and all customs cases in the Court of Appeals for the Federal District. These cases involve the collection of customs duties and enforcement of international trade policies.

The Branch devotes approximately 73 percent of its attorney worktime to litigation, 7 percent of its worktime to Branch management and employee supervision and 9 percent to non-case specific activities. The remaining 11 percent covers leave and other excused absences.

A small staff of paralegals is used to assist attorneys in reviewing reports, depositions and testimony, performing legal research, organizing document libraries, preparing case materials and summaries, as well as other assigned case related activities.

Accomplishments and Workload: Quantitative measurements for the Commercial Litigation program are presented in the following table:

Item	Estimates	
	1981	1982
<u>Matters:</u>		
Customs		
Pending -- start-of-year.....	48,613	45,276
Received.....	1,874	1,754
Completed.....	5,211	11,478
Pending -- end-of-year.....	45,276	35,552
Foreign Judicial Assistance		
Processed.....	2,456	4,362
	4,362	4,362

Item	Estimates					
	1981		1982		1983	
	No.	Claims in Mil.	No.	Claims in Mil.	No.	Claims in Mil.
<u>Litigation for Recovery of Money:</u>						
Personally Handled Cases						
Pending — start-of-year.....	1,440	\$713	1,734	\$791	1,302	\$778
Initiated.....	506	109	384	126	440	157
Terminated.....	212	31	816	139	453	439
Recovery Awards for U.S.....		22		14		45
Pending — end-of-year.....	1,734	791	1,302	778	1,289	496
Supervised Cases						
Pending — start-of-year.....	2,946	1,075	3,735	2,337	4,024	2,555
Initiated.....	1,225	1,379	1,327	572	1,578	741
Terminated.....	436	117	1,038	354	952	216
Recovery Awards for U.S.....		61		58		36
Pending — end-of-year.....	3,735	2,337	4,024	2,555	4,650	3,180
Cases Received and Delegated.....	738	33	1,003	61	1,900	116
<u>Litigation in Defensive Monetary Claims:</u>						
Personally Handled Cases						
Pending — start-of-year.....	1,495	\$3,196	1,867	\$5,604	1,699	\$1,442
Received.....	649	3,330	509	1,643	747	4,236
Terminated.....	277	922	677	5,805	441	1,572
Awards in Terminated Cases.....		78		1,161		265
Savings to U.S. Treasury.....		844		4,644		1,060
Pending — end-of-year.....	1,867	5,604	1,699	1,442	2,005	4,106
Supervised Cases						
Pending — start-of-year.....	997	1,947	1,571	10,671	1,871	10,822
Received.....	1,165	9,601	1,375	437	1,752	15,956
Terminated.....	591	877	1,075	286	1,268	9,386
Awards in Terminated Cases.....				.1		2
Savings to U.S. Treasury.....		876.8		285.9		9,384
Pending — end-of-year.....	1,571	10,671	1,871	10,822	2,355	17,432
Cases Received and Delegated.....	354	17	490	75	926	141
					766	117
						106

The Branch has initiated several management accomplishments which have improved the efficiency and effectiveness of handling the litigation for which the Branch is responsible. Branch attorneys have expanded reliance on automated equipment to obtain economies in personnel usage, including use of a computerized attorney timekeeping system, up-grading of word processing equipment and increased use of microfiche, and computerized document handling techniques in complex cases. Through the continued use of an automated calendar system and an improved screening process of referred cases, many referrals were closed or delegated to U.S. Attorneys' Offices. Through a reallocation of cases and attorneys, the Branch has developed an expanded group of attorneys with specific experience and expertise in the development and conduct of complex civil lawsuits. This adjustment has almost doubled the attorney resource capability in different areas of the Branch.

Branch attorneys are responsible for supervising and coordinating suits to collect money and serve as a coordinating link with agencies and the U.S. Attorneys' Offices in the litigation of these claims. The Branch is supervising several large collections programs including over 50,000 defaulted Department of Education student loans and over 90,000 Veterans Administration educational benefit claims. Supervisors and staff attorneys devote time to indirect litigation activities which include the (1) conduct of seminars and training for the U.S. Attorneys' Offices and client agencies; (2) preparation of monographs as aids to U.S. Attorneys' Offices; (3) continued education on legal and management issues for Branch Attorneys; (4) preparation of responses to congressional and public inquiries and Freedom of Information Act and Privacy Act requests; and (5) other non-case related matters which foster better client relations.

In the Office of Foreign Litigation, Branch Attorneys process in excess of 4,000 requests for international judicial assistance, most of which are submitted under international treaties which require that they be executed expeditiously.

The Branch continues to emphasize the recovery of money lost by the United States as a result of fraud, corruption or other misconduct. Recent accomplishments in fraud cases include: a total recovery of over \$15 million in judgments and settlements during the past year including \$8.9 million in civil and tax claims against the corporate defendant in litigation involving the sale of launchers to the Navy during the first half of the Vietnam War; \$2.3 million from a manufacturer of transistors and microcircuits, which had falsely certified that such items had been tested and met military specifications; and \$4.8 million in student loan claims. Currently, the fraud unit is engaged in litigation involving approximately \$20 million worth of Agriculture subsidies and fees and millions of dollar involving loans to small businesses.

In Claims Court, the Branch successfully defended the Government in \$3 million of claims relating to the occupation of the hamlet of Wounded Knee. The Supreme Court's unanimous decision to reverse a Claims Court decision in *Clark et al. v. U.S.* saved the Government approximately \$20 million in wages of Federal employees being transferred from one Federal pay system to another. Twelve million dollars of potential government liability was eliminated by upholding in Court the Treasury Department's position that the "Gold Clause" in various pre-depression Government securities does not require payment in dollars equal to the value of the gold contained in 1918 coins.

For intellectual property, the Supreme Court, in *Decca v. U.S.*, denied the plaintiff's petition for certification in a patent infringement suit concerning the worldwide Omega Navigation System, saving the Government \$26.9 million.

In general commercial litigation, the Branch collected \$1.7 million from Peoples Temple. In *Samuel T. Iasso and Assoc., Inc. v. ONMA*, the Branch successfully resisted the efforts of plaintiff, an insurer and servicer of \$15 million worth of mortgages in ONMA's mortgage-backed securities program, to enjoin ONMA from termination of its participation in the program.

The Branch is defending a proposed class action in which plaintiffs claim that the armed services wrongfully terminated proficiency pay to which its members were entitled (Wyatt v. U.S.). Potential damages if liability is established are estimated at \$700 million.

In foreign litigation, Branch attorneys collected \$566,000 from the Government of Columbia in connection with an admiralty dispute. In a major tax refund case, Branch attorneys recovered \$450,000 fraudulently obtained by a Swiss couple from the Internal Revenue Service in a withholding tax swindle.

In judgment enforcement, Branch attorneys, in U.S. v. Commercial Bank and Trust Co., settled this action and recovered \$125,000 from a bank which unjustly enriched an affiliated corporation at SBA's expense while it was servicing a SBA guaranteed loan. U.S. v. Arizona Ruels, Inc. & Eugene Dalton, is a \$38 million judgment claim against debtors who have substantial holdings, including oil properties, an oil refinery, and a cattle ranch. In re: Calvin Cole, is an important test case to protect our right to use collateral estoppel in an adversary proceeding in bankruptcy court to establish previously proven fraud, thereby exempting from discharge, without any litigation costs or risks, judgment debts created by the fraudulent activities of debtors.

For customs and international trade, in Zenith Radio, Corp. v. U.S., the plaintiff obtained a preliminary injunction against implementation of settlement agreements pursuant to which the United States was to receive a payment of \$77 million.

Program Changes: An increase of \$1,007 over the base is requested. This increase will provide the Commercial Branch sufficient resources to maintain the level of achievement of all its major objectives and enhance its ADP, telecommunications and automated litigation support activities.

Based on current and anticipated caseload, the Branch expects by 1984 to have 25 complex, factually intensive cases which will require automated litigation support. Systematic organization of the evidence in these cases will increase the ability of Branch attorneys who handle these cases to master the facts and use them to the Government's best advantage.

The 25 Commercial Litigation cases fall into four groups, as follows: 4 federal employee claims involving an estimated \$2,762 million; 6 patents involving an estimated \$250 million; 7 contract claims involving \$420 million; and 8 frauds involving \$100 million.

The Federal Employee cases involve overtime pay and similar claims by thousands of postal workers, firefighters, and military personnel. While the issues of liability in these cases are not factually difficult, keeping track of the whereabouts and nature of each individual claim is. An automated file which tracks the status and evidence of each claim would free up the lawyers handling these cases for more sophisticated work.

The patents cases can involve thousands of documents, both on the issue of the nature of the invention and the extent of the damages.

The contract claims can extend to thousands of documents on the issue of precisely what did happen when the Government issued a change order or delayed the contractor's performance.

The fraud cases, particularly in the area of student loan frauds, can involve a number of documents on each loan. Since there may be thousands of loans at issue in each case, the number of documents involved can quickly reach the tens and hundreds of thousands.

The Branch will require \$937,000 for automated litigation support for 1984, to be used for automating 103,000 document control forms; automating for full text search 90,000 pages of depositions and trial transcripts; microfilming 250,000 pages; indexing 66,000 documents; and assisting attorneys prepare for 8 trials.

The volume of materials involved in these 25 cases forced the Division to seek more cost effective and less labor intensive alternatives to its prior methods of handling such litigation. Automated systems and microform technologies have proven to be more cost effective and efficient than the traditional manual procedures. For example, automated data retrieval systems provide the ability to scan millions of separate pieces of information and rearrange them in a matter of minutes to meet the attorney's needs, whereas manual searching, organizing and re-organizing requires weeks of effort. Also, the use of microform systems provide access to large document files that are more controlled, convenient and less expensive than the conventional manual methods of copying, indexing and storing hardcopy reproductions. The increasing use of automation by the private bar has attested to both the practical and economic necessity of using computers and microform technologies in cases involving a substantial number of documents. The Branch's counterparts in private law firms have been increasingly able to assimilate and organize large amounts of information. This expanding use of litigation support services challenges the litigating capacities of Branch attorneys. Because the Branch represents the United States in claims totalling several billions of dollars in these 25 cases, it is imperative that we continue and expand litigation support activities began in 1982 in order to negate the opposing counsel's advantage of more sophisticated support services.

The remaining part of the program increase (\$70,000) consists of a pro rata share of funds for the lease or purchase of additional ADP systems hardware and software and telecommunications devices. These additional leases and purchases will enable the Division to improve the efficiency of telephone usage and allow for continued lease of the IBM System/38 CPU together with printers, terminals and software as discussed in the Federal Appellate Activity's Program Changes.

1983 Appropriation	Anticipated		1984 Base		1984 Estimate		Increase/Decrease	
	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.
Federal programs.....	142	148	\$7,239	142	148	\$7,761	142	148
						\$8,711	...	...
								\$950

Long-Range Goal: To successfully defend challenges to Federal civil programs, policies and initiatives, and enforce remedies for statutory violations of Federal programs.

Major Objectives:

To prevail on behalf of the United States in defensive litigation which arises from judicial review of the decisions of all Government agencies.

To initiate and prevail in affirmative litigation in cases aimed at remedying statutory and regulatory violations.

Base Program Description: Cases are referred to the unit from a variety of sources, primarily client agencies. Most of the litigation is defensive in nature, such as litigation challenging Presidential initiatives or challenging the constitutionality of recently enacted or existing legislation. The rest of the litigation is affirmative. These involve suits seeking to enforce Federal programs. The unit receives a large number of requests from agencies for the institution of suits.

Litigation is divided into nine general functional areas which are Regulatory Enforcement (affirmative compliance suits); Government Employment (public and regulated private employment practices); Freedom of Information and Privacy Matters; Human Resources (social security, medicare/medicaid, food stamps and health planning suits); Housing and Community Development; National Security and Foreign Relations; Interior, Agriculture and Energy; Interstate and Foreign Commerce; and Independent Agencies and Government Corporations.

When cases are perceived at the outset to have the potential for developing more complex factual issues or issues of law having ramifications on the national level, the cases will be designated as supervised in order to ensure that Branch attorneys review incoming litigation reports with defendant agencies and consult with U.S. Attorneys' Offices on the proper arguments to make in defense of the litigation. Assistance to the U.S. Attorneys and client agencies is provided to assure the development and presentation in court of a consistent, thoroughly researched position on the legal issues involved. This is accomplished primarily through the preparation of draft briefs, memoranda of law, and monographs concerning the most frequently confronted legal issues as well as considerable oral advice on matters which are likely to have a broad impact on the Government as a whole.

Where it is anticipated that the factual and legal issues presented by a case will have nationwide impact or affect a large number of pending cases, the case is assigned to Branch attorneys. Examples of categories of personally handled cases include suits challenging Administration initiatives (suits involving alleged and proper patronage dismissals, reduction-in-force litigation and Iranian assets litigation), suits involving national security, matters which attack the constitutionality of intelligence and law enforcement programs, and many suits under the Freedom of Information and Privacy Acts.

The Branch devotes approximately 77 percent of its attorney workyears to litigation (63 percent to defensive litigation and 14 percent to affirmative litigation). Approximately 88 percent of this time is devoted to personally handled cases, 10 percent to supervised cases and 2 percent to delegated cases. Approximately 74 percent of the time is spent on pre-trial activities including discovery, 6 percent is spent on trial activity, 9 percent is spent on post-trial activities including appeals and 11 percent is spent on case review.

The Branch devotes approximately 6 percent of its attorney worktime to Branch management and employee supervision and 6 percent to non-case specific activities. The non-case specific activities include advice and assistance to client agencies (1 percent), preparation of legislation related documents and non-case correspondence (4 percent), and professional development and training (1 percent). The remaining 11 percent covers leave and other excused absences. A small staff of paralegals assists attorneys by reviewing and indexing depositions and testimony and reviewing documents involved in discovery disputes and occasionally assists attorneys in preparation for trial.

Accomplishments and Workload: Quantitative measurements for the Federal Programs activity are presented in the following table:

Item	Estimates		
	1981	1982	1983 1984
<u>Litigation in Defense of</u>			
<u>Federal Civil Programs:</u>			
Personally Handled Cases			
Pending — start-of-year.....	705	777	831 925
Received.....	313	341	376 406
Terminated.....	241	287	282 311
Pending — end-of-year.....	777	831	925 1,020
Supervised Cases			
Pending — start-of-year.....	3,415	3,925	4,222 4,154
Received.....	1,115	996	1,158 1,251
Terminated.....	605	699	1,226 1,482
Pending — end-of-year.....	3,925	4,222	4,154 3,923
Cases Received and Delegated.....	1,503	1,702	1,590 1,725
<u>Litigation to Enforce</u>			
<u>Federal Civil Programs:</u>			
Personally Handled Cases			
Pending — start-of-year.....	82	132	128 100
Initiated.....	71	38	32 26
Terminated.....	21	42	60 62
Pending — end-of-year.....	132	128	100 64
Supervised Cases			
Pending — start-of-year.....	423	714	851 910
Initiated.....	382	213	182 148
Terminated.....	91	76	123 129
Pending — end-of-year.....	714	851	910 929
Cases Received and Delegated.....	54	82	50 40

The Branch handles litigation of national and international significance. Branch attorneys successfully handled the litigation involving the illegal Patco strike and the President's agreement for the release of the hostages through the transfer of over two billion dollars in Iranian assets to the Federal Reserve Bank. They were instrumental in the dismissal of four suits by former hostages or families seeking damages for their detention. Within the past year Branch attorneys extended litigation activities to the new area of international arbitration, providing litigation support to the State Department in a major arbitration before the Iran - United States Trade Claims Tribunal in the Hague, The Netherlands. The Branch has defended three actions concerning alleged improper patronage dismissals by the Reagan Administration.

This Branch has successfully defended each HIP challenge, with attendant savings in salaries and in DOE v. Secretary of the Air Force successfully defended Air Force regulations requiring dismissal of members of the service for committing homosexual acts. In Conference of State Bank Supervisors v. Conover, Branch attorneys successfully defended against a challenge to the new regulation of the Comptroller of the Currency, enacted to help national banks in the uncertain economy, which the plaintiff had claimed unlawfully preempted state law.

The Branch is presently defending an action brought by twenty-nine members of Congress seeking to terminate foreign assistance to El Salvador in Crockett v. Reagan. In another action involving United States foreign policy, the Branch successfully defended against a challenge to the Government's policy concerning the massive debt owed by Poland to the United States and Western European countries in Capital Legal Foundation v. Commodity Credit Corporation. Adopted by the United States and its European allies following the imposition of martial law in Poland in December, 1981, the policy included a program to honor U.S. Government loan guarantees to American exporters and banks without declaring Poland in "default."

The Branch defended an action by Ted Turners Cable News Network (CNN) and negotiated the settlement through which CNN and the three major television networks acceded to the demand of the White House that television media representatives work together to reach a mutually satisfactory pooling arrangement.

In a prelitigation settlement, the Branch obtained \$10,000 from the former Director of the CIA, William Colby, based on the CIA's claim that Mr. Colby had breached his secrecy agreement obligations in submitting the manuscript of his memoirs, Honorable Men, to his publisher before completing the CIA security review.

The Branch has instituted a number of affirmative actions which clearly benefit the Government and/or American consumers. In several energy price overcharge cases (U.S. v. Arizona Pools and U.S. v. Granlund). Branch attorneys have been successful in winning judgments totaling \$44 million, in Citranelle - Mobile v. Edwards, the Temporary Emergency Court of Appeals affirmed a lower court award to the United States of approximately \$8 million, plus interest.

To reduce legal research time, the Branch began the development of a manual Brief Bank with a comprehensive subject matter index which will be automated in 1983.

The Branch has designated several attorneys to act as Equal Access to Justice Act coordinators, who in coordination with other Civil Division employees have helped formulate the Government's position on issues arising under the Act. They have also helped ensure a consistent approach across the country through the provision of guidance to agencies and U.S. attorneys offices.

Program Changes: An increase of \$950,000 over the base is requested. This increase will provide the Branch sufficient resources to maintain the accomplishment of its major objectives and initiate an automated litigation support program and further automate its office operations.

This increase will permit the Branch to establish an automated litigation support program for cases which involve large volumes of documentary material, depositions and trial transcripts. Based on the current workload and new cases anticipated in 1984, it is expected that the Branch will have 46 complex and factually intensive cases which will require extensive organization of volumes of materials. These cases are divided into massive cases and major cases.

Massive Cases. This litigation concerns a massive family of litigation arising out of a similar event. Three groups of cases provide examples of cases of this type. The Census group involves a challenge by New York City and 39 other states and cities related to the accuracy of the 1980 Census. The claims in this case do not have a monetary value, but, if successful, could lead to extensive Congressional redistricting and massive revisions to Federal grant schedules. New York's representative counsel has established a sophisticated automated litigation support system and will seek to uncover as many Census mistakes as possible and bring them to the attention of the court. The Census materials which may be relevant to this case now fill four acres of storage space, and are well in excess of 500,000 pages of material.

The second case in this group concerns an effort by 165 Black Panthers in New Haven to recover damages from 50 FBI agents and other Federal, state, and local law enforcement officials. There are at least 200,000 pages of materials in FBI and other files which relate to these charges.

The third case is a suit against 30 localities and private developers in the New Orleans area charging negligence and misconduct which caused flooding and the payment of over \$95 million in flood insurance claims. The number of documents in this case is not yet known, but over 10,000 insurance claim files and many other records, totaling over 300,000 pages, will have to be examined.

It is expected that these cases will remain in active status for at least five years. The Branch will require \$692,000 for automated litigation support for this group of cases. This will be used as follows: for automating 55,000 document control forms (\$73,000); automating for full text research 48,000 pages of deposition (\$38,000); microfilming 600,000 pages (\$60,000); indexing 73,500 documents (\$401,000); and operating three document archives (\$120,000).

Major Cases. The cases in this group, while more modest than the preceding group, still cover large amounts of data. Based on its current workload, the Federal Programs Branch expects to have four factually intensive cases which will require automated litigation support in 1984. These cases are likely to include defending Federal agencies against massive housing discrimination charges in major cities, defending major development projects against environmental attacks and defending other aspects of the Administration's economic program. While these cases do not seek major damage awards, if successful, they can limit or close down entirely major aspects of the governmental development programs. Because many of these cases are based on the factual determinations of the patterns of governmental behavior, they can involve many thousands of documents.

The Division will require \$126,000 for automated litigation support for this group of cases, to be used for automating 11,000 document control forms (\$12,000); automating for full text search 8,000 pages of depositions (\$6,000); microfilming 60,000 pages (\$6,000); indexing 11,000 documents (\$62,000); and assisting attorneys at two trials (\$40,000).

The volume of materials involved in these cases and opposing counsel's high degree of preparation has forced the Division to seek more effective methods of preparing for trial. Automated systems and microform technologies have proven to be more effective and less costly than the traditional manual procedures. For example, automated data retrieval systems provide the ability to scan millions of separate pieces of information and rearrange them in a matter of minutes to meet the attorney's needs, whereas manual searching, organizing and re-organizing required weeks of effort. Also, the use of microform systems provides access to large document files that are more controlled, convenient and less expensive than the conventional manual methods of copying, indexing and storing hardcopy reproductions. The increasing use of automation by the private bar has attested to both the practical and economic necessity of using computers and microform technologies in cases involving a substantial number of documents. The Branch's counterparts in private law firms are increasingly able to assimilate and organize large amounts of information. This expanding use of litigation support services challenges the litigating capacities of Branch attorneys. Because the Branch represents the ability of the United States to continue vital Federal programs it is imperative that we commence litigation support activities in these cases in order to negate the opposing counsel's advantage of more sophisticated support services.

The \$18,000 needed to operate this automated litigation support program represents a new expenditure over the 1983 anticipated appropriation (\$129,000 for ADP-related costs and \$689,000 for document microfilming, indexing and maintenance and assistance in trial preparation). The remaining part of the program increase (\$132,000) consists of a pro rata share of funds for the lease or purchase of additional ADP systems hardware and software and telecommunications devices. These additional leases and purchases will enable the Division to improve the efficiency of telephone usage and allow for continued lease of the IBM System/38 CPU together with printers, terminals and software as discussed in the Federal Appellate Activity's Program Changes.

	1983 Appropriation		1984 Base		1984 Estimate		Increase/Decrease	
	Perm.	Anticipated	Perm.	WY	Perm.	WY	Perm.	WY
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Consumer litigation.....	35	37	\$1,568	35	37	\$1,568

Long-Range Goal: To protect consumers from defective or harmful products and from unfair and misleading business practices.

Major Objectives:

To provide effective enforcement of consumer protection statutes through civil and criminal litigation.

To assure that the rules and regulations of Federal agencies are consistent with consumer protection requirements and goals.

To assist consumers in the resolution of complaints outside the jurisdiction of the Justice Department by acting as an informal "ombudsman" in the referral of complaints to other Federal agencies and local enforcement agencies.

Base Program Description: Responsibility for this program was transferred from the Antitrust Division to the Civil Division in early 1983. The program was carried out by the Civil Division under a reimbursable agreement during 1983 and the formal transfer in the budget authority is to be effected at the beginning of 1984. Objectives are accomplished by supervising or conducting substantive consumer protection litigation which arises under a number of federal statutes including criminal prosecution and defensive litigation where officials of the principal consumer protection agencies are sued. Frequent consultation and advice is rendered to client agencies regarding pending and possible litigation. Examples of the types of cases are: proceedings to prevent or punish the introduction into commerce of adulterated food, drugs and cosmetics; the sale and distribution of potentially harmful consumer and household use products; and civil penalty actions for violations of Federal Trade Commission (FTC) cease and desist orders prohibiting consumer fraud. The Office of Consumer Litigation also prepares comments on consumer-oriented legislation and handles a large volume of consumer mail.

Accomplishments and Workload: Quantitative measurements for the Office of Consumer Litigation are presented in the following table:

Item	1981	1982	Estimates	
			1983	1984
Consumer Matters				
Pending Planned.....	904	422	543	543
Pending Actual.....	783	422	...	...
Referred Planned.....	492	435	543	543
Referred Actual.....	501	462	...	...
Consumer Matters				
Terminated Planned.....	859	314	543	543
Terminated Actual.....	862	366	...	...

During 1982, the Division received 37 new case referrals from the Federal Trade Commission, 260 enforcement or defensive cases involving the Food, Drug and Cosmetic Act and five Consumer Products Safety Commission cases. In *U.S. v. Troxler Hosiery Corporation*, a criminal contempt matter tried before a judge designated by the United States Court of Appeals for the Fourth Circuit was argued to a panel of that court, the Fourth Circuit found troxler Hosiery Corporation guilty of contempt for willful disobedience of an order prohibiting the removal of previously seized TTS-treated children's sleepwear from California. The court sentenced the corporation to a fine of \$80,000. In another matter the court awarded a substantial civil penalty for violations of an order prohibiting the manufacture and sale of carpet not meeting the carpet flammability standards.

In a number of Federal Trade Commission actions, the Division is seeking civil penalties and injunctive relief for violations of Commission cease and desist orders, trade regulation rules, or statutes prohibiting anticompetitive conduct, various deceptive marketing practices, or unfair debt collection practices. The Division entered into a settlement with one of the defendants, Anaconda, in the case of the *U.S. v. Phelps Dodge*, a major civil penalty action involving violations of an order prohibiting price-fixing and other anti-competitive practices by four manufacturers of paper insulated electric cable. The settlement provides for a \$100,000 civil penalty and an injunction prohibiting Anaconda from engaging in certain

anticompetitive conduct. The Division also settled two other significant civil penalty cases, one against Hertz Corporation for violations of the Commission's Holder-in-Due-Course Rule and one against Gulf Coast Builders Exchange, Inc. for violation of a competition order prohibiting boycott-type activity. The Government was awarded partial summary judgment on the issue of the defendant's liability in U.S. v. Louisiana-Pacific, an FTC civil penalty action in which the Government alleges that the defendant failed to divest a Louisiana-Pacific subsidiary in violation of an FTC cease and desist order. The Government was also granted summary judgment establishing a debt collection firm's responsibility for over 140 violations of a Fair Debt Collection Practices Act in U.S. v. AQB. In U.S. v. National Dynamics, and FTC civil penalty case involving advertisements by an auto battery manufacturer in violation of a final order to cease and desist, the court entered a consent judgment providing for \$100,000 in civil penalties. In U.S. v. Reader's Digest, an FTC civil penalty action involving violations of an FTC order in the magazine's sweepstakes promotion, the civil penalty of \$1.89 million was paid. Two cases were filed seeking civil penalties for the failure of firms to report substantial product hazards in automatic baseball pitching machines in violation of Section 19 of the Consumer Products Safety Act. In U.S. v. Allied Publishers Service, the district court upheld the constitutionality of certain important amendments to the FTC Act. Likewise, in U.S. v. JSA Group, Inc., the district court rendered a favorable decision on the relief available to the Government in civil penalty actions involving Trade Regulation Rules.

In a number of cases challenging action by the Food and Drug Administration (FDA), the courts rendered judgment in favor of the Government. In Commonwealth of Massachusetts v. FDA, a suit in which the state of Massachusetts alleged that FDA's denial of exemption from federal preemption for a state statute regulating hearing aids was contrary to law, the court upheld FDA's action. In Newport Pharmaceuticals v. Schweiker, the court upheld the agency's interpretation of provisions of the Food, Drug and Cosmetic Act relating to time periods for agency consideration of new drug applications. In McIlwain v. Hayes, the court found for FDA in a challenge to the extension by FDA of the provisional listing of twenty-three color additives. In Biotics Research Corp. v. Schweiker, the court rejected plaintiff's request for pre-enforcement review of the status of its drug. Finally, in a number of cases, decisions favorable to the Government were also rendered in Public Citizen v. Novich, a suit seeking to have nitrates declared food additives and in Cheney v. Schweiker, a suit to prevent the use of lethal drug injection to prevent capital punishment. A number of FDA criminal matters are pending and the agency is being represented in both enforcement and defensive cases.

The Division maintains an average total caseload of over 500 cases during 1982 and obtained judgments for fines, penalties and forfeitures in the amount of approximately \$1,009,000 million.

In U.S. v. Easterling & Steilmeets, an indictment was returned charging a corporation and two individuals with obtaining information under false pretenses in violation of the Fair Credit Reporting Act. The Division is also actively engaged in investigations of criminal conduct under the odometer fraud provisions of the Motor Vehicle Information and Cost Savings Act, 15 U.S.C. §1981, et seq.

1983 Appropriation Anticipated	1984 Base		1984 Estimate		Increase/Decrease	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
Immigration litigation.....	12	8 \$436	16	16 \$915	16	16 \$915
				

Long-Range Goal: To protect the interest of the United States by successfully defending challenges to Federal civil immigration programs, policies and initiatives and conducting civil litigation under the Immigration and Naturalization laws.

Major Objectives:

To prevail in all civil immigration proceedings arising under the Immigration and Nationality Act and related laws.

To develop, implement and enforce programs undertaken for the purpose of facilitating the detention of aliens.

To represent the United States in civil litigation brought against executives of the Immigration and Naturalization Service in their official capacities.

Base Program Description: Responsibility for this program was reprogrammed from the Criminal Division to the Civil Division in early 1983. Objectives in handling the litigation under the Immigration and Naturalization laws are: 1) to conduct promptly and efficiently the relatively large number of litigated matters ranging from the routine to the moderately complex; 2) to maintain the capacity to respond with experienced litigators to major litigation challenging the President's programs; and, 3) to create a foundation for response to new enforcement initiatives which reflect efforts of the Administration to deal with the immigration crisis.

In response to emergent, as well as routine matters, the Civil Division plans to develop a staff of senior litigators to personally handle the most significant immigration litigation. Organization of the attorneys will be in trial teams, composed of a senior litigator capable of personally trying major litigation. Each team will be assigned a mixture of appellate and trial matters with the senior litigator responsible for matching the workload to the individual skills of team members. The senior litigator will be expected to try personally the most important cases and argue the most significant appeals with assistance from his team members. Special United States Attorneys, and Immigration and Naturalization Service attorneys. The senior litigator will also have primary responsibility for training junior members of the team and assuring them a variety of legal experience. With the litigation-team approach, the office will be in a position to effectively respond to multiple emergencies without significant disruption of routine matters.

Civil Immigration litigation is divided into five general functional areas which include district court litigation, deportation review proceedings, habeas corpus review and general advice, general appellate matters, and litigation against INS officials.

Accomplishments and Workload: The civil immigration litigation workload has been handled in the past by the General Litigation and Legal Advice Section of the Criminal Division and is a new undertaking assumed by the Civil Division under a reorganization effected in early 1983. The new Office of Immigration Litigation has no quantitative measurement or accomplishments history, therefore the accomplishments and workload data presented in the following discussion are representative of previous Criminal Division initiatives in immigration litigation. An initial step in improving management of the program will be the establishment of a case docketing and tracking system and an attorney timekeeping system which will enable us to develop more valid workload, accomplishment, and resource need information.

<u>Item</u>	<u>1981</u>	<u>1982</u>
<u>Courts of Appeal:</u>		
Briefs Filed.....	157	181
Motions and Other Pleadings Filed.....	196	190
Cases Argued.....	62	46
<u>District Courts:</u>		
Motions and Other Pleadings Filed.....	57	84
Court Proceedings Attended.....	13	27

The program successfully defended challenges to the Government's immigration programs, policies and initiatives. In *Arreguin-Carmona, et. al. v. Haig-Northern District of Illinois*, the Court dismissed a challenge to the Government's handling of a provision in the Immigration and Nationality Act which governs the allocation of immigrant preference visas among applicants from any one country. In addition, the Court upheld the right of the Government to indefinitely detain excludable Cuban aliens with criminal backgrounds who came to the United States during the 1980 flotilla and who have been convicted of no criminal offense in the United States, *Miguel Mayet Palme v. R.J. Verdeyen - Fourth District*.

Defense against class action suits challenging procedures used in adjudication of asylum applications submitted by deportable Haitians and the statutes and regulations pertaining to deportation (*Haitian Refugee Center v. Civiletti*), as well as alien confinement in the absence of any United States criminal convictions and the Attorney General's status review plan under which Cuban detainees are screened for possible release (*Fernandez-Roque v. Smith*) continue to consume significant program resources.

Program attorneys drafted legislation to: 1) authorize the President to declare an immigration emergency and to invoke special powers in the event of another incident similar to the 1980 Cuban flotilla; and 2) authorize high seas interdiction of vessels carrying illegal aliens in accordance with agreements entered into between the United States and other nations.

	1983 Appropriation Anticipated		1984 Base		1984 Estimate		Increase/Decrease					
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount				
Management and administration.....	94	104	\$3,817	97	107	\$4,237	106	107	\$4,551	9	...	\$314

Long-Range Goal: Direct the conduct, handling and supervision of all litigation and other matters delegated by the Attorney General to the Civil Division in a fair, successful and consistent manner.

Major Objectives:

To supervise and direct the administration and operation of the Civil Division.

To assist in establishing and directing the implementation of policy relating to the conduct of civil litigation on behalf of the United States.

To establish and direct the implementation of management policies and initiatives designed to ensure the most effective and efficient use of the human, financial and property resources of the Division.

To assist in formulating and reviewing legislation relating to improvements in the administration of civil justice.

To direct the public dissemination and assure the fullest responsible disclosure of information about the work and activities of the Division under the Freedom of Information and Privacy Acts.

To provide administrative services and support to the litigative branches.

To coordinate the Department-wide program to collect debts owed the United States.

Base Program Description: The management and administration of the Civil Division, its litigation and other responsibilities and its resources are achieved through an executive staff consisting of the Assistant Attorney General, a Special Assistant and five Deputy Assistant Attorneys General. This executive staff is supported by secretarial, professional and support personnel organized into three offices (i.e., Executive Office, Regulatory and Legislative Affairs Staff and Freedom of Information and Privacy Act Unit). A Deputy Assistant Attorney General is responsible for supervising and directing each of the three litigative branches (i.e., Commercial Litigation, Tort Claims and Federal Programs) and one Deputy Assistant Attorney General is responsible for supervising and directing the activities of the Office of Immigration Litigation, the Office of Consumer Litigation, the Executive Office and the Freedom of Information and Privacy Act Unit. In addition this Deputy also coordinates development and implementation of the Department-wide debt collection activities. A fifth Deputy supervises and directs the Appellate Staff and the Regulatory and Legislative Affairs Staff.

Executive Staff: Formulates and implements litigation and management policy, participates in highly critical litigation and settlement negotiations, directs and supervises the branches, coordinates a program for consultation with client agencies, conducts and coordinates research on sensitive projects involving legal issues and policy, actively participates in the initiation and recommendation of legislation affecting the Division's litigation and coordinates the Department-wide debt collection activities.

Executive Office: Controls and oversees selected management operations of the Division and provides administrative support services to the litigating branches. It is responsible for: providing planning and analytical advice and assistance to the Assistant Attorney General, his Deputies and the Branch managers in the development of management initiatives and systems; providing leadership in implementing and carrying out management initiatives and programs; and developing, enhancing, and maintaining the Division's manual and automated information and litigation support, budgeting, fiscal management, personnel and administrative support systems.

Regulatory and Legislative Affairs Staff: Coordinates preparation of the Division's response to Congressional, public and Executive Branch inquiries. It is responsible for receiving, reviewing and forwarding legislation, legislation-related and case related Congressional requests to the appropriate Branch for comment; providing liaison between the branches and the Department's Office of Legislative Affairs; and ensuring appropriate handling and formatting of Division responses. In addition, the Office prepares the majority of responses to citizen inquiries and non-case related Congressional inquiries and coordinates preparation of responses to the Executive Branch agencies.

Freedom of Information and Privacy Act Unit: Dockets, reviews and processes all Freedom of Information Act and Privacy Act requests, prepares annual reports, and serves as a liaison with other Divisions and agencies. Since the time-consuming function of file review represents a large portion of the workload, the Office is composed of paralegals who can most cost efficiently perform these and other related duties, supervised by an attorney.

Accomplishments and Workload: Quantitative measurements for Management and Administration program are presented in the following table:

Item	1981	1982	Estimates	
			1983	1984
<u>Executive Direction & Control --</u>				
<u>Freedom of Information and Privacy Act Unit:</u>				
Freedom of Information Act Requests.....				
Pending -- start-of-year.....	99	40	15	10
Received.....	189	190	190	190
Dispositions.....	248	215	195	190
Pending -- end-of-year.....	40	15	10	10
Privacy Act Requests				
Pending -- start-of-year.....	40	20	15	18
Received.....	300	351	463	544
Dispositions.....	320	386	460	541
Pending -- end-of-year.....	21	15	18	21

120

Item	Estimates	
	1981	1982
<u>Executive Directic... & Control --</u>		
<u>Regulatory and Legislative Affairs Staff:</u>		
Congressional Inquiries.....	370	375
Request for Comments on Proposed Legislation.....	475	530
Public Inquiries.....	1,216	1,350
		380
		540
		1,400
		1,450
<u>Administrative Services --</u>		
<u>Routine Actions:</u>		
Budget Execution and Financial Management		
Financial Transactions Processed.....	13,411	15,430
Time and Attendance Reports Processed.....	18,050	17,487
Earnings Statements and Paychecks Distributed.....	28,080	27,878
Pay Changes Processed.....	312	338
Leave Errors Resolved.....	1,152	1,139
Cash and Check Transactions Processed.....	4,155	4,336
Accounting Data Items Posted & Verified.....	114,172	185,444
		34,684
		381
		1,141
		4,517
		250,355
		340,894
Information Management		
Case Intakes.....	16,920	17,376
Correspondence Routed.....	360,096	435,600
Case Updates.....	4,545	6,495
Case Closures.....	12,768	14,436
Timesheet Inputs.....	103,000	202,234
		17,376
		435,600
		6,495
		14,436
		222,458
		16,154
		384,200
		6,611
		15,995
		222,458
Administrative Support		
Piles Received and Catalogued.....	2,500	1,600
Piles Requested Processed.....	3,600	2,400
Piles Retired to Federal Records Center.....	1,895	1,274
Personnel Actions Initiated.....	751	798
Security Credential Requests Processed.....	45	65
Employee Benefit Changes Processed.....	425	475
Entrance/Exit Interviews.....	118	200
111-weekly Reports Prepared.....	120	160
Maintenance Services Completed.....	254	188
Mail Pick-ups and Deliveries.....	8,400	250
Special Messenger Pick-ups & Deliveries.....	9,600	8,400
Pieces of Mail Processed.....	162,360	12,000
Personnel Relocations.....	348	224,210
Furniture/Equipment Relocations.....	420	71
		55

Item	1981	1982	Estimates	
			1983	1984
<u>Administrative Services --</u>				
<u>Intermediate Actions:</u>				
Budget Execution and Financial Management				
Weekly Reports Produced.....	728	936	936	936
Monthly Reports Produced.....	12	24	188	788
One-time Reports Produced.....	104	190	215	244
Department Reports Reconciled.....	1,494	1,620	1,620	1,620
Financial Plan Revisions.....	4	4	4	4
Fund Obligations Effected.....	5,204	6,308	8,516	11,547
Administrative Support				
Small Purchases Effected.....	358	536	802	872
Space Renovations Designed and Requested.....	153	198	35	20
Personnel Actions Initiated.....	489	243	271	270
Security Waivers Developed and Requested.....	22	64	64	64
Security Interviews Conducted.....	5	10	10	10
Special Employee Programs Implemented (e.g., Blood Drives, Health Benefits Open-Seasons, CRC Campaigns).....	7	10	10	10
Incentive Awards Developed.....	135	135	150	150
Performance Ratings Processed.....	597	595	640	640
Training Requests Processed.....	189	240	361	540
<u>Administrative Services --</u>				
<u>Complex Actions:</u>				
Budget Formulation and Execution				
Budgets Formulated and Defended.....	3	3	3	3
Supplementals and Amendments Formulated.....	1	2	-	-
Reprogrammings Formulated.....	1	-	-	-
Financial Plans Formulated.....	1	1	1	1
Special Analyses Conducted.....	19	32	45	10
Administrative Directives Developed.....	2	1	3	-
Management Analysis				
Special Studies Conducted.....	4	3	12	12
Contract Specifications Developed.....	2	12	9	58
				122

Item	1981	1982	Estimates	
			1983	1984
Information Management				
New or Revised Programs Written.....	5	40	40	40
Major Systems Revisions & Expansions.....				
Planned and Effected.....	2	11	11	11
Contract Specifications Developed.....	-	2	5	5
Administrative Support				
Special Recruitment Programs -				
Legal Positions.....	6	12	6	6
Special Recruitment Programs -				
Non-Legal Positions.....	4	5	5	5
Performance Workshops Developed.....	-	350	10	10
Individual Development Plans Developed.....	16	20	10	10
Disciplinary Actions Effected.....	5	10	15	15
Training Seminars Developed & Conducted.....	12	12	24	31
Administrative Directives Developed.....	4	2	2	2
Contracts Effected and Monitored.....	20	22	24	107
Telephone Service Plans Designed & Requested.....	65	68	17	5
Perpetual Inventory Updates.....	3	4	4	4

The program's accomplishments affecting the entire Division are:

Executive Staff: The Assistant Attorney General and one of his Deputies has coordinated the development and implementation of an Improved Department-wide debt collection program which has been approved by OMB. Extensive interaction with U.S. Attorneys' Offices has emphasized the importance of debt collection and improved methods of training collections personnel has been a primary focus of the effort to date. A review of effective collection methods in various U.S. Attorneys' Offices has been done and efforts have been undertaken to implement successful methods throughout the Department.

Executive Office: Acquired and installed an IBM System 38 computer to replace two smaller computers. The expanded storage capacity and functional capabilities are enabling the Division to provide greater litigative and management support. Converted the appellate manual case docket to an automated case tracking system. This expanded system provides Appellate Staff managers and attorneys a resource and case management capability not previously available.

Initiated and implemented an automated litigation support system. This system enables the Division to apply microform technologies and computer processing to the handling of millions of documents for four major areas of litigation, i.e. - asbestos, radiation, Agent Orange and student loans. Automated support tools have proven to be more cost effective and efficient than the traditional manual procedures in managing and organizing the volumes of evidentiary and discovery materials necessary for successful litigation.

Procured and installed technologically current word processing equipment. The resulting automation efficiencies of this equipment upgrading translate into resource savings in the areas of staff productivity, staff overtime expenditures, secretarial staff support and flexibility in carrying out litigating activities.

Developed, initiated and implemented a pilot project for integrating the Division's word processing and automated data processing systems and the Department's automated legal research, litigation support and telecommunication systems. The project is designed to test an integrated system which can be expanded to the entire Division during FY 1983. Direct access between the word processing video display and printing capabilities and the legal research, case tracking and litigation support systems will increase productivity and efficiency, improve human resource utilization, and increase the level of intra-divisional communication and information exchange.

Involved line supervisors in the management and control of funds of controllable items such as travel, overtime, training and duplication, printing and transcript services. This system, which involved quarterly allocations and weekly status reporting, has given individual managers decision making authority associated with expenditures incurred in the conduct of litigation and has resulted in savings and cost avoidance in several areas.

Expanded personnel management advisory services and operational support services. Through improved recruiting mechanisms, performance appraisal systems, employee relations programs, advance procurement planning, furniture and office equipment, distributions and inventory and control systems, and enhanced internal mail-messenger and file room services we have been able to promote more effective utilization of the Division's human, fiscal and property resources.

Continued to implement and expand the Senior Executive Service (SES) Candidate Development Program. The program is designed to select competitively and develop a cadre of trained executives qualified to fill future SES vacancies within the Division. The Division's model program has successfully graduated the initial class of 10 Candidates and selected the second class of 4 Candidates. Three Candidates from the first class of 10 have been selected and promoted to SES level Special Litigation Counsel and Branch Director positions within the Division.

Reduced the staff of the Executive Office by 8 positions. The 8 positions were transferred to the Torta and Commercial Litigation Branches to provide paralegal support. This increased paralegal support has increased the Division's litigating capabilities and was made possible by improved efficiency in the operation of the Executive Office. This reprogramming was scheduled to occur in 1983 but was accomplished one year early.

Regulatory and Legislative Affairs Staff: Developed an automated selective retrieval system whereby information concerning prior and pending legislation is obtained through word processing work stations. This has resulted in substantial savings of research time.

Established a response program for non-case related Congressional inquiries and the automated preparation of responses to multiple Congressional inquiries on particular case or subject matters. This has significantly reduced the percentage of Congressional inquiries requiring the original drafting of a response.

Developed an automated response tracking system. This has decreased the number of outstanding inquiries by 80 percent and enhanced the capability to provide timely responses to direct inquiries from the Congress, the public, the White House and other Government agencies.

Freedom of Information and Privacy Act Unit: Reduced the number of outstanding requests carried over from one year to the next. The average processing time for all but the most complex requests involving review of voluminous numbers of documents has decreased. Steps taken to reduce the response time include intensified efforts to work with Division file room personnel to locate and retrieve case files identified to be possibly responsive to individual requests and increased initial contact with requesters to supply them with as much information as practicable regarding the nature and subject matter of files thereby eliminating irrelevant information.

Program Changes: An increase of \$312,000 over the base is requested. This increase will provide the program with sufficient resources to maintain the level of achievement of all its major objectives, and enhance its ADP and telecommunications accomplishments.

The major cost factor is the \$150,000 increase in personnel compensation and benefits which will result from the rearrangement of the Executive Office staff to provide for planning and management oversight of the Division's litigation support activities. The remaining part of the program increase (\$164,000) consists of a pro rata share of the increased funds for the lease or purchase of ADP systems hardware and software, telecommunications devices and for ADP programming services. These additional leases and purchases will enable the Division to improve the efficiency of telephone usage and allow for continued lease of the IBM System/38 CPU together with printers, terminals and software as discussed in the Federal Appellate Activity's Program Changes.

The program will have sufficient resources to maintain the longterm schedule for automated information management, analysis and retrieval operations. The enhanced funding and rearranged but not increased-staffing will allow the Division to proceed parallel to the development of office automation technology and effectively manage a major cost and time saving program of automated litigation support in large cases.

An increase of the full-time permanent workyear ceiling is also being sought. The increase is necessary to avoid a disruption in '84 in the centralized mail/messenger service provided by the management and administration program. The nine employees currently providing these services were appointed in 1981 on Temporary Appointments Pending the Establishment of a Register. As such, until early 1984, they will continue to be covered by the "other" employment ceiling. At that time under OPM established procedures (FPM, Chapter 316, Subchapter 2-2), these employees must be either converted to career status or terminated. The preferred alternative is to convert them to career status. An increase in the full-time permanent workyear ceiling, offset by a reduction in the "other" workyear ceiling, will accommodate these conversions and avoid interruption in the centralized mail/messenger services and the costly, timeconsuming and personally traumatic experience of separating, recruiting and training new mail/messengers.

Civil Division
Salaries and expenses, General Legal Activities
Priority Rankings

Base Program		Program Increases	
Program	Ranking	Program	Ranking
Federal Appellate Activity	1	Tort Claims	1
Tort Claims	2	Management and Administration	2
Commercial Litigation	3	Commercial Litigation	3
Federal Programs	4	Federal Programs	4
Immigration Litigation	5	Federal Appellate Activity	5
Consumer Litigation	6		
Management and Administration	7		

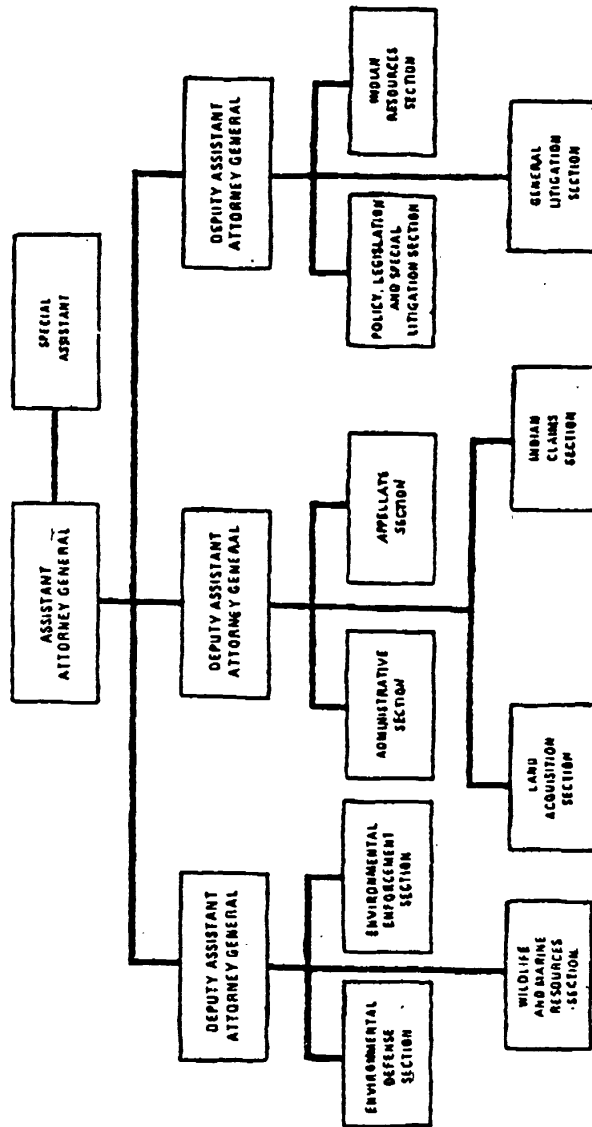
Civil Division
Salaries and expenses, General Legal Activities
Detail of Permanent Positions by Category
Fiscal Years 1982 - 1984

Category	1982 Authorized	1983 Authorized	Trans. in the Estimate	1984	
				Program Increases	Total
Attorneys (905).....	328	334	28	...	362
Paralegal Specialists (950).....	34	34	4	...	38
Gen. admin., clerical and office svc. (300-399).....	278	283	10	9	302
Total.....	640	651	42	9	702
Washington.....	595	606	42	9	657
U.S. Field.....	44	44	...	...	44
Foreign Field.....	1	1	...	...	1
Total.....	640	651	42	9	702

Civil Division
Salaries and expenses, General Legal Activities
Financial Analysis - Program Charges
(Dollars in thousands)

Item	Federal Appellate Activity		Tort Claims		Commercial Litigation		Federal Programs		Management and Administration		Total
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	
<u>Grades</u>											
OS/DM-13.....	...	...	...	...	...	...	...	...	...	\$125	\$125
OS-11.....	...	...	...	...	...	...	...	...	...	25	25
OS-3.....	...	...	...	...	...	...	...	...	4	...	4
OS-2.....	...	...	...	...	...	...	...	...	5	...	5
Total positions and annual rate...	...	...	...	...	...	...	...	...	9	150	150
Lapse (-).....	-	...	...	...	...	...	...	...	-9	...	-9
Total workyears and personnel compensation.....	...	...	...	...	...	...	...	...	...	\$150	\$150
Communications, utilities and other rent.....	\$77	\$326	...	...	...	\$70	...	\$132	...	164	769
Other services.....	43	4,350	...	...	...	937	...	818	...	...	6,148
Total workyears and obligations, 1984.....	120	4,676	...	1,007	...	950	...	314	...	7,067	7,067

LAND AND NATURAL RESOURCES DIVISION



Approved: *[Signature]* Date: 1/10/82
 Edward C. Schmidt
 Deputy Attorney General

Land and Natural Resources Division
Salaries and expenses, General Legal Activities

Crosswalk of 1983 Changes
 (Dollars in thousands)

Activity/Program	1983 President's Budget Request		Congressional Appropriation Actions on 1983 Request		Reprogramming		1983 Pay Supplemental Requested		1983 Appropria- tion Anticipated		
	Pos.	W. Amount	Pos.	W. Amount	Pos.	W. Amount	Pos.	W. Amount	Pos.	W. Amount	
1. Federal appellate activity..	27	\$1,287	...	...	...	...	-57	\$ 52	27	28	\$1,332
2. Land acquisition.....	57	2,679	...	...	...	...	-30	101	57	52	2,742
3. Environmental protection....	114	5,605	...	...	...	...	-50	195	114	112	5,728
4. General litigation.....	96	5,085	...	...	...	...	-64	178	96	98	5,178
5. Management and administration.....	42	37	4,428	...	...	...	-4	52	42	37	4,476
Total	336	327	19,084	...	...	...	-157	578	336	327	19,456

Explanation of Analysis of Changes from 1983 Appropriation Request

Congressional Appropriations Actions

The Congress reduced the General Legal Activities appropriation's 1983 request by \$437,000 based on its decision to hold the 1983 Standard Level User Charges (SLUC) amounts at the rates incurred during 1982. The Land and Natural Resources Division's portion of this reduction is \$49,000.

Reprogramming

The reprogramming of \$1,399,000 to the Civil Division from the other legal divisions, including \$157,000 from the Land and Natural Resources Division, represents the Department's priority placed on the continuation of the project for automatic litigation support activities in the Civil Division during 1983.

Pay Supplemental Requested

The pay request provides \$578,000 to meet increased pay requirements (Executive Order 12387, October 3, 1982 as modified by P.L. 97-248, the Tax Equity and Fiscal Responsibility Act of 1982, and P.L. 97-377, further Continuing Appropriations).

Land and Natural Resources Division
Salaries and expenses, General Legal Activities
Summary of Requirements
(Dollars in thousands)

Adjustments to base:				Perm. Pos.	Work-years	Amount
1983 as enacted.....				336	327	\$19,035
Reprogramming to Civil Division for litigation support activities.....				...	...	-157
1983 Pay supplemental requested:						Amount
Increased pay costs.....						355
Medicare.....						94
Amount absorbed.....						-71
Net pay supplemental.....				336	327	578
1983 appropriation anticipated.....						19,456
Uncontrollable increases.....				...	...	...
Annualization of 1983 pay increase.....				...	...	1
Annualization of executive level pay increases.....				...	...	114
Annualization of medicare costs.....				...	...	32
Within-grade increases.....				...	...	114
Health benefits costs.....				...	...	38
Standard Level User Charges (SLUC).....				...	...	800
GSA recurring reimbursable services.....				...	...	9
Postal service redistribution.....				...	...	4
Federal Telecommunications Systems (FIS).....				...	...	1
C&P Telephone rate increase.....				...	...	18
Telephone system line charges.....				...	...	34
GPO printing costs.....				...	...	4
Employee data and payroll services.....				...	...	4
General pricing level adjustment.....				...	...	3
Total, uncontrollable increases.....				...	...	205
				...	...	1,377
Decreases:						
One less compensable day.....				...	...	-48
Non recurring cost for change in hourly rate.....				...	...	-55
Total, decrease.....				...	...	-103
1984 Base.....				336	327	\$20,730
Estimates by budget activity						
1982 as Enacted				1983 Appropriation		
Perm. Pos.				Anticipated		
WY Amount				WY Amount		
336 327 \$17,142 336 292 \$17,119 336 327 \$19,456 336 327 \$20,730				336 327 \$20,730		
Land, natural resources,				...		
and Indian matters.....				...		
				131		

Land and Natural Resources Division
Salaries and expenses, General Legal Activities
Summary of Resources by Program
(Dollars in thousands)

Estimates by Program	1982 as Enacted			1982 Actual			1983 Appropriation Anticipated			1984 Base			1984 Estimate			Increase/Decrease	
	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY
Federal appellate activity.....	27	28	\$1,252	27	25	\$1,250	27	28	\$1,332	27	28	\$1,380	27	28	\$1,380	...	...
Land acquisition.....	57	52	2,568	57	47	2,565	57	52	2,742	57	52	2,947	57	52	2,947	...	...
Environmental protection.....	114	112	5,411	114	100	5,404	114	112	5,728	114	112	6,108	114	112	6,108	...	...
General litigation.....	96	98	4,910	96	88	4,903	96	98	5,178	96	98	5,609	96	98	5,609	...	...
Management and administration...	42	37	3,001	42	32	2,997	42	37	4,476	42	37	4,686	42	37	4,686	...	...
Total.....	336	327	17,142	336	292	17,119	336	327	19,456	336	327	20,730	336	327	20,730	...	...
Other Workyears																	
Holiday.....	...	...	5	...	...	5	...	...	5	...	...	5	...	...	5	...	...
Overtime.....	...	...	5	...	...	5	...	...	5	...	...	5	...	...	5	...	...
Total compensable workyears.....	332			297			332			332			332			...	...

Land and Natural Resources Division
Salaries and expenses, General Legal Activities

Justification of Program and Performance

Activity Resource Summary
(Dollars in thousands)

Activity: Land, natural resources and Indian matters	1983 Appropriation Anticipated		1984 Base		1984 Estimate		Increase/Decrease	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
Federal appellate activity.....	27	\$1,332	27	\$1,380	27	\$1,380	...	...
Land acquisition.....	57	2,742	57	2,947	57	2,947	...	...
Environmental protection.....	114	5,728	114	6,108	114	6,108	...	...
General litigation.....	96	5,178	96	5,609	96	5,609	...	...
Management and administration.....	42	37	42	4,686	42	37	...	...
Total.....	336	327	336	327	336	327	...	...

This budget activity includes resources for the primary mission of the Land and Natural Resources Division. Funds requested for this activity support personnel in five programs which conduct litigation to enforce and defend government environmental policies and to carry out statutory mandates in many program areas.

Activity: Land, natural resources and Indian matters	1983 Appropriation Anticipated		1984 Base		1984 Estimate		Increase/Decrease	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
Federal appellate activity.....	27	\$1,332	27	\$1,380	27	\$1,380	...	...

Long-Range Goal: To maintain the existing level of high-quality appellate advocacy in the face of a substantial workload.

Major Objectives:

- To handle an increasing number of cases on appeal with high-quality appellate advocacy without defaulting on any nondiscretionary matters (cases where the government is appellee) due to stringent, court-imposed deadlines.
- To bring appeals from adverse decisions which warrant appellate review wherever possible, considering the unit's resources, the growing nondiscretionary docket, and the increasing reluctance of the federal courts of appeals to grant extensions of time.
- To fully satisfy our client agencies through the formulation of legal positions in the courts of appeals that best represent their interests.

Base Program Description: This decision unit addresses the problem of handling Land and Natural Resources Division cases that are appealed to a federal court of appeals or brought to the United States Supreme Court. The problem of meeting the demands of appellate litigation is resolved by satisfying four discrete obligations. First, there is the function of providing appellate advocacy which is obviously the unit's most fundamental rationale. The decision unit prepares briefs and argues most of the Division's cases on appeal. Litigation handled in this decision unit involves a wide variety of cases ranging from fast-moving environmental matters to traditional government litigation concerning various federal property interests. For example, the appellate program is responsible for litigation in the courts of appeals involving the National Environmental Policy Act, the Mineral Leasing Act, the Federal Land Policy and Management Act, the Outer Continental Shelf Lands Act, as well as cases pertaining to the federal law of eminent domain, Indian law and water law. The second function performed by the decision unit involves analyzing unfavorable district court decisions and preparing memoranda for the Solicitor General which seek authorization to appeal those cases that merit court of appeals review. This function, unique to appellate practice, involves solicitation and evaluation of recommendations regarding appeal from client agencies, trial sections and United States Attorneys' offices. This function is designed to screen from the overloaded courts of appeals those cases that the Government should not appeal and also serves to coordinate Division-wide policy on important questions of federal law that would be binding upon the Government. The third function performed by this decision unit involves the preparation of the initial draft for those cases in which this decision unit has had responsibility on appeal and which have reached the Supreme Court. This critical function enables the Solicitor General's office to keep pace with its responsibilities and enables this decision unit to better serve our client agencies through the formulation of a draft brief by the appellate attorney who is most familiar with the facts and the legal issues presented by that case. The fourth function, one that is unique to the decision unit, involves the responsibility for Division-wide coordination. Because all of the Division's cases on appeal pass through the unit, it is in a unique position to effect such coordination. Frequently, matters on appeal will affect more than one trial section because of their overlapping legal significance. The decision unit attorneys, therefore, routinely serve as a clearinghouse mechanism. Unless the unit continues to perform this responsibility, the obligation for such coordination would fall directly upon the Assistant Attorney General.

Accomplishments and Workload: The accomplishments of the Appellate program are presented in the following table:

Item	Estimates		
	1981	1982	1983
Cases received	466	465	525
Cases closed	357	359	400
Cases pending, end-of-year.....	731	837	962
Briefs filed.....	295	327	335
Oral arguments.....	141	163	170
Solicitor General memos.....	140	179	185
Substantive motions.....	154	150	155

The unit's projected workload for 1984 would remain constant since the incoming workload would not vary with the unit's resources. Thus, the 550 projected cases for 1984 is the starting point for any analysis. The number of incoming cases is based on past levels of increases, enhanced by a greater number of challenges, particularly from the environmental movement, to the initiatives and new programs of Interior and EPA, but offset by an anticipated decline in land acquisition cases attributable to the filing of fewer cases for the Park Service.

At the 1984 requested funding level, the unit would have 27 positions, consisting of 19 attorneys, 7 secretaries, and one staff assistant. Based upon past levels of productivity, it is calculated that the output at this level would be 350 briefs, 190 memoranda to the Solicitor General and 160 substantive motions filed. The number of oral arguments performed during 1984 would increase further, not only because the number of arguments in the past has been related to the number of briefs filed one year earlier, but also because the backlog of pending cases awaiting argument should be reduced due to the additional appellate judges appointed during the previous Administration.

	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease	
	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY
Land acquisition.....	57	52	\$2,742	57	52	\$2,947	57	52	\$2,947	...	...
Long-Range Goal: To continue to acquire land for congressionally authorized public purposes through the institution and prosecution of condemnation proceedings and in the course thereof to provide the United States the highest quality legal representation.											

Major Objectives:

To secure the lowest possible compensation awards consonant with fairness to both the landowners and the Government.

To achieve and maintain a current status in the condemnation caseload (i.e., to reduce the pending caseload to the point where the backlog does not exceed annual input and to maintain that balance thereafter).

Base Program Description: The national problem addressed by the program is the need of the U.S. Government to acquire lands necessary for public purposes where the landowners are unwilling or unable to sell the lands to the U.S. This program meets this problem through the institution and prosecution of condemnation proceedings in U.S. district courts by which lands necessary for congressionally authorized public purposes are acquired on behalf of the U.S., its agencies and departments through the exercise of the sovereign power of eminent domain.

By means of this program, lands that are needed for congressionally authorized public purposes, but which acquiring agencies are unable to acquire by direct purchase, are acquired by judicial condemnation proceedings in which compensation is determined and awarded to the property owners. Acquisition by condemnation is a means of last resort; acquiring agencies are required by law (42 U.S.C. Sec. 4651), to the greatest extent practicable, to make every reasonable effort to acquire property by negotiation before requesting condemnation.

The tracts of land referred for acquisition by condemnation are tracts that cannot be acquired by other means because of the unwillingness of owner's to sell or unwillingness to sell at a price considered fair and reasonable by the government or because defects in title preclude acquisition by direct purchase. Unless the government is able to acquire these lands by an exercise of the power of eminent domain through condemnation proceedings, the public purpose for which the lands are necessary would be frustrated.

Responsibility for the prosecution of condemnation cases is shared between this program and the U.S. Attorneys. All requests by client agencies for the institution of condemnation proceedings are made to the Attorney General and referred to the program, which then initially determines whether the case should more appropriately be: (1) assigned to the U.S. Attorney; (2) designated as a case to be handled as the joint responsibility of the U.S. Attorney and the program or (3) retained by the program for its direct handling. In the category of joint responsibility, the program's participation in cases varies with circumstances and may range from mere advice and counsel to actual conduct of the trial.

Accomplishments and Workload: The accomplishments of this program are presented in the following table:

Item	Estimates			
	1981	1982	1983	1984
Tracts received	2,480	1,374	1,400	1,500
Tracts closed	4,797	3,891	3,800	3,800
Tracts pending, end-of-year.....	16,646 A/	14,129	11,729	9,429
Percentage by which judgments exceeded government's appraisals/ testimony.....	63%	58%	22%	22%
Percentage saved on total dollar claims for which judgments were entered.....	47%	31%	42%	42%

A/ This number reflects a one-time upward adjustment of the 15,697 "Tracts pending, end of year," 1981 by 949 tracts. This adjustment is necessitated by our recent conversion from a manual to a computerized records system and a reconciliation of the discrepancy found in the data of the two systems.

As of July 1982, there were 14,597 tracts of land in pending condemnation proceedings throughout the country with a total estimated value, based on government-obtained appraisals, of approximately \$800 million. Claims in these cases are expected to exceed \$2 billion.

	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease	
	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY
Environmental protection.....	114	112	\$5,728	114	112	\$6,108	114	112	\$6,108	..	..

Long-Range Goal: To conduct the litigation necessary to achieve the pollution control, hazardous waste and radiation control mandated by Congress. To conduct the litigation necessary to assure the solvency of the Hazardous Substance Response Fund. To defend agencies of the United States sued by parties in connection with activities affecting the environment and public health. To reduce the illegal international trade in wildlife fish and plants by prosecuting and coordinating the prosecution of criminal violators of United States' wildlife and Customs laws, and to provide quality representation and defense of federal agencies in civil wildlife cases. To assist client agencies, through litigation and counseling, to develop the living resources in the adjacent seas including the highly valuable commercial fisheries and the scientifically and aesthetical valuable noncommercial living resources.

Major Objectives:

- To defend client agencies' rules and regulations in order to maintain the integrity of those agencies' programs.
- To defend client agencies whose facilities and activities are the subject of environmental litigation initiated by states, municipalities, or private individuals and organizations.
- To handle collateral suits to allow agency enforcement programs to operate effectively and without undue delay.
- To maintain the coherent operation of agency programs through sustaining agency action in court.
- To conduct the enforcement litigation cases which are sent to the unit by the referring agency.
- To maintain voluntary compliance among regulated industries which, although not audited, know that they are subject to enforcement actions if violations are discovered.

- To bring suits against corporate polluters as national corporate entities, where appropriate, rather than simply looking at pollution problems from a regional basis.
 - To obtain a large portion of the relief sought in the cases brought by this decision unit.
 - To increase criminal prosecution of serious environmental offenses.
 - To implement a successful enforcement program to clean up existing hazardous waste dump and storage sites and to abate radiation hazards (except high level sources) under the Resource Conservation and Recovery Act (RCRA), Comprehensive Environmental Response, Compensation and Liability Act of 1980 (Superfund) and other authorities.
 - To successfully bring actions to recover funds expended by the Hazardous Substance Response Fund.
 - To successfully bring actions under the Uranium Mill Tailings Radiation Control Act.
 - To create a capability for and an atmosphere conducive to negotiated settlement of disputes where such an approach can provide swifter and more certain relief.
 - To enforce and sustain administrative orders issued by client agencies in furtherance of the agencies' statutes and mandates.
 - To improve enforcement of laws relating to trade in wildlife, fish and plants.
 - To establish interagency investigative task forces under Department of Justice leadership in each major United States port of entry.
 - To investigate, coordinate investigations, and successfully prosecute major commercial dealers who are illegally trafficking in wildlife, fish or plants.
 - To seek and obtain stiff penalties for persons who engage in illegal wildlife or plant trade including jail sentence for principle violators.
 - To supply quality representation to client agencies and litigative support necessary to defend the administration of civil programs affecting wildlife, fish and plants.
 - To revise and improve wildlife forfeiture procedures.
- Base Program Description: This decision unit conducts litigation to support the control, abatement and reduction of pollution to the nation's air and water resources; the abatement and control of hazardous waste dump sites; the control, abatement and reduction of unauthorized dredging and filling in the navigable waters of the United States; the regulation and control of pesticides and noise; the regulation of toxic and hazardous substances; the appropriate allocation of scarce natural resources including drinking water; and miscellaneous matters pertaining to nuclear power. This program entails both civil litigation

on behalf of our client agencies, principally the Environmental Protection Agency, the Army Corps of Engineers, the Coast Guard, Department of the Interior, and the Nuclear Regulatory Commission and criminal litigation under the pollution control statutes. These include the Rivers and Harbors Act of 1899, 33 U.S.C. 403, 407; the Clean Water Act Amendments of 1977, 33 U.S.C. 1251 et seq.; the Safe Drinking Water Act of 1974, 42 U.S.C. 300f et seq.; the Clean Air Act Amendments of 1977, 42 U.S.C. 7401 et seq.; the Federal Insecticide, Fungicide and Rodenticide Act U.S.C. 136 et seq.; the Toxic Substances Control Act, 15 U.S.C. 2601 et seq.; the Noise Control Act of 1972, 42 U.S.C. 4901 et seq.; the Atomic Energy Act, 42 U.S.C. 2001, et seq.; the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. §9601 et seq.; the Resource Conservation and Recovery Act, 42 U.S.C. §9901 et seq.; Marine Protection Research and Sanctuaries Act, 33 U.S.C. 1401 et seq.; and the Uranium Mill Tailings Radiation Control Act.

The unit's work is of two basic types: defensive work and enforcement work which seeks to ensure compliance with the statutory requirements of our client's programs. The defensive work must be undertaken; the program has no discretion to decline these cases. Typically the defensive cases involve such case types as: (a) petitions for judicial review of agency rules, filed originally in the courts of appeals (recent examples are defense of the lead and ozone ambient air quality standards); (b) challenges to individual actions (such as grants or denials of permits, variances, and the like); (c) challenges to actions relating to regulation of specific chemicals under the pesticide and toxic substances laws; (d) challenges to jurisdiction or challenges to portions of regulatory programs based on the Constitution; and (e) lawsuits arising out of EPA's sewage treatment grant-in-aid programs.

Enforcement cases require substantial fact development which entails the intensive use of discovery in civil cases and grand juries in criminal cases. Even a moderately complex environmental criminal case can require one-half to one full attorney year. Similarly, complex civil enforcement cases frequently necessitate the assignment of more than one unit attorney.

In 1983, the unit anticipates continuing challenges to the state air pollution implementation plans approved or disapproved by EPA. Under the Clean Water Act, the unit anticipates a growth of challenges in 1983 to the guidelines which, industry by industry, set standards for the best available treatment technology which must be in place in 1984. Under both acts, defensive cases focused on particular decisions such as granting or denying a permit will continue at approximately the present rate. The current trend of increase in complex, district court defensive litigation, particularly under the Clean Water Act, is expected to continue. These cases take much more time than was typically applied to the appellate caseload prior to 1978, when the increase in district court work began.

It is anticipated that the EPA enforcement referral workload will continue to increase over the next three fiscal years. At the same time we will continue to have responsibilities in ensuring that defendants comply with more than 600 air and water act consent decrees negotiated since 1978. In the traditional civil enforcement areas including the Clean Air Act, the Clean Water Act and the Safe Drinking Water Act, we anticipate that EPA will refer about 130 cases in 1983 and 150 cases in 1984. In addition, there will be referrals under the Clean Water Act by the Coast Guard.

The area of criminal enforcement has received increased emphasis. Until 1981, EPA lacked any meaningful investigative capacity for the development and litigation support of criminal cases. The unit and EPA have worked closely to develop this capacity and it is anticipated that in 1983 EPA's criminal investigative unit will become fully operational. Moreover the Federal Bureau of Investigation has agreed to investigate 30 cases per year. Those will be resource intensive cases which, historically, have required a high level of unit attorney time. It is anticipated that the unit will evaluate over 30 criminal matters in 1983 and 40 in 1984.

Since the establishment of the hazardous waste program in October 1979, this unit has been responsible for the conduct of litigation involving health and environmental hazards posed by improper handling, storage, transportation and disposal of hazardous wastes under the Resources Conservation and Recovery Act, 42 U.S.C. §6901 et seq. In February 1981, the unit was assigned litigation under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, P.L. 96-510, which is also known as "Superfund".

Under Superfund, which has received top priority at EPA, EPA has identified approximately 10,000 waste sites and, as of mid-summer 1982, had included 159 sites on its interim priority lists, allocated funds to 55 sites and obligated funds at 40 sites. Recovery of these funds will be important because the Superfund is a revolving fund and recovered funds will be the source of monies for clean up of many sites. The unit will institute actions to recover funds and to compel parties to undertake clean up activities. The unit will also defend claims against the fund.

The establishment of the wildlife component of the decision unit followed a one-year study in which the Department concluded, in conjunction with the investigative agencies, that the illegal wildlife and plant trades create serious criminal economic and ecological problems. The total value of the illegal trade in wildlife is estimated at \$50 to \$100 million a year. Most of this trade is accomplished through falsification of the documentation that must accompany wildlife imports. A lesser but still substantial percentage of the trade is accomplished through straight smuggling. Profits on these shipments are staggering. At a trial of a Philadelphia reptile dealer, the evidence revealed that one species of reptile purchased for \$10 a pair was sold for \$550 a pair. The volume of the illegal trade is equally staggering. One recent investigation indicated that illegal trade in a single species of bird during a six month period totaled \$2-5 million.

The illegal wildlife trade has grim environmental consequences. It threatens the survival of many species of wildlife, particularly those listed in the Convention on International Trade in Endangered Species, a treaty protecting species whose survival can be threatened by international trade. The cost to mankind of the loss of such species is incalculable. A species may hold the key to an important medical discovery, to revolutionizing agriculture, or to local or regional environmental balance.

The economic consequences of this trade are also severe. It directly threatens America's agriculture and pet industries and indirectly burdens individual taxpayers. Imported wildlife carry diseases that can affect poultry, livestock, fish and pets. The most important of these diseases is exotic Newcastle Disease, which is transmitted by imported birds to native birds, including poultry. Epidemics in 1971 and 1979 cost the Federal Government \$56 million and \$2 million, respectively. Department of Agriculture officials have estimated that if the disease becomes established in the United States, the yearly losses could amount to \$230 million or more.

These serious social consequences require a serious response. Violations of the wildlife laws are treated as major "white collar" crimes, meriting substantial criminal penalties. Among the statutes under the unit's jurisdiction are the Endangered Species Act, 16 U.S.C. 1531-1540, the Lacey Act, 18 U.S.C. 42-44, the Black Bass Act, 16 U.S.C. 851-856, the Fish and Wildlife Coordination Act 16 U.S.C. 661-667, the Airborne Hunting Act, 16 U.S.C. 742j-2, the Migratory Bird Treaty Act, 16 U.S.C. 701-711, the Bald and Golden Eagle Act, 16 U.S.C. 1801-1882. The unit also has responsibility for prosecuting violators of the customs laws whenever wildlife is involved.

This decision unit also has responsibility for representing the Federal Government in most civil actions arising under the nation's wildlife laws. Actions under these laws, particularly the Endangered Species Act, often affect energy and other major construction projects of economic and environmental importance to the nation, including refineries, oil leases and dams.

The marine resources component of this decision unit addresses a number of programs involving marine and coastal resources including management of fisheries and other living resources of the marine environment, and development and implementation of international agreements relating to marine resources.

Under the principal fisheries law, the Fishery Conservation and Management Act (FCMA), 16 U.S.C. 1801, the Federal Government not only extended its fishery jurisdiction from 12 to 200 miles but has begun to regulate fishing for virtually all species of fish within those limits by American as well as foreign fishermen. Without the regulations provided under this Act, many species of fish would be threatened or soon cease to exist. Depletion or extinction of these stocks would result in a loss of both an important source of protein and economically valuable commercial and recreational fisheries. These stocks represent an annual value in excess of \$1 billion. Under other more limited statutes, the Federal Government implements international agreements for the protection of either commercially valuable or unique species of living resources, such as the salmon of the Pacific Northwest, the fur seals of the Pribilof Islands or the humpback whales, to name just a few.

In connection with its marine resources responsibilities, the unit participates in the development and coordination of international and domestic law and policy relating to the seas and seabed adjacent to U.S. coasts and beyond. The decision unit represents the Department of Justice on the National Security Council's Law of the Sea Group and other ad hoc groups.

Continuing into 1984, the unit anticipates a number of challenges to the state air pollution implementation plans approved or disapproved by EPA. Under the Clean Water Act, the unit anticipates an increase in the number of challenges to the guidelines which, industry by industry, set standards for toxic pollutants. In 1983 and 1984, EPA will promulgate final performance standards under the Resource Conservation and Recovery Act (RCRA) for various types of treatment, storage, and disposal facilities. The regulations will be followed by the issuance of permits. This program will produce numerous defensive cases as well as enforcement cases. Under these acts, defensive cases focus on particular decisions such as granting or denying a permit, and are expected to continue at approximately the present rate. The current trend of increase in complex district court defensive litigation, particularly under the Clean Water Act, RCRA, and the new CERCLA, is expected to continue. These cases take much more time than is applied to the appellate caseload that was typical prior to 1978, when an increase in district court work began. The defensive work must be undertaken; the program has no discretion to decline these cases. Failure to defend our client agencies would simply forfeit the effectiveness and perhaps the existence of the agency program under attack.

The unit's enforcement workload is anticipated to increase over the next three years. At the same time, the unit will continue to have responsibilities for assuring that defendants comply with over 600 consent decrees negotiated since 1978. We anticipate that the number of referrals will increase over those received in 1981-1982 under the Clean Air Act, Clean Water

Act (Industrial and municipal discharges and recovery of oil spill clean-up costs and penalties), Safe Drinking Water Act, Toxic Substances Control Act, and Federal Insecticide, Fungicide and Rodenticide Act. The number of wetlands referrals is expected to remain the same. An increased civil enforcement caseload is expected under the Resource Conservation and Recovery Act. The criminal docket is growing dramatically and is expected to continue to grow. Until 1981, EPA lacked any meaningful investigative capacity for the development and litigation support of criminal cases. The unit and EPA have worked closely to develop this capacity, and in 1983 EPA's criminal investigative unit should become fully operational. Moreover, the Federal Bureau of Investigation has agreed to investigate 30 cases per year. Those will be resource intensive cases which, historically, have required a high level of unit attorney time. Enforcement cases without prosecutive merit are rejected. If enforcement cases with prosecutive merit are rejected, it will result in a failure to enforce the law and risk the credibility of the program being enforced.

Under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (Superfund) the unit has responsibility for enforcement and defensive litigation. This includes counseling on and enforcement of administrative orders, institution of suit to compel removal and remedial actions, actions to recover response costs incurred by the Fund, and defense of claims against the Fund. The unit defended seven major lawsuits arising under the new Act in 1982. Under Superfund, the Administration and Congress have endorsed a strong enforcement role to make those responsible pay for clean-up and to assure that the Fund is solvent. Further, EPA has received 10,000 notices of hazardous waste sites and plans to undertake numerous preliminary assessments, site visits, full-field investigations and feasibility investigations. EPA has announced the 159 top priority hazardous waste sites and is expected to announce a second large group of priority hazardous waste sites. Many if not most of these are expected to become enforcement cases.

The unit also has responsibility under the Uranium Mill Tailings Radiation Control Act of 1978. The Uranium Mill Tailings Act requires the Attorney General to determine the identity and extent of the legal responsibility of anyone who owned, operated, or controlled any of the 25 inactive uranium milling sites designated by Congress or the Department of Energy, and for the recovery of funds expended by the U.S. in taking the remedial action necessary to decontaminate a particular site (Phase I). After publishing his conclusions and providing copies to Congress, the Attorney General, to the extent he deems it appropriate and in the public interest, is to seek recovery of remedial action costs incurred by the United States.

Accomplishments and Workload: Accomplishments of the Environmental Protection program are presented in the following table:

Item	Estimates		
	1981	1982	1983 1984
ENVIRONMENTAL PROTECTION			
Cases/Matters pending, beginning of year	2,504	2,259	2,355 2,519
Cases/Matters Received	787	396	514 653
Cases/Matters Closed	1,032	300	350 400
Cases/Matters pending, end of year	2,259	2,355	2,519 2,772
SUPERFUND			
Cases/Matters pending, beginning of year	...	14	55 114
Cases/Matters Received	16	45	69 89
Cases/Matters Closed	2	4	10 25
Cases/Matters pending, end of year	14	55	114 178
WILDLIFE AND MARINE RESOURCES			
Cases/Matters pending, beginning of year	514	478	313 223
Cases/Matters Received	232	300	390 507
Cases/Matters Closed	268	465	480 495
Cases/Matters pending, end of year	478	313	223 235
DECISION UNIT TOTAL			
Cases/Matters pending, beginning of year	3,018	2,751	2,723 2,856
Cases/Matters Received	1,035	741	973 1,249
Cases/Matters Closed	1,302	769	840 920
Cases/Matters pending, end of year	2,751	2,723	2,856 3,185

The workload was derived from historic data through 1982. The unit's defensive caseload is continuing to increase, although the number of rulemaking cases declined in 1982 due to an overall decrease in rulemaking while client agencies sorted out regulatory reform priorities. It is anticipated that regulatory reform efforts will cause the EPA defensive caseload to balloon during 1983-1984. In addition, Congress' enactment of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) produced additional defensive litigation in 1982 and will continue to do so in 1983 and 1984 which will partially be offset by new staff provided under that Act.

	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease	
	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY
General litigation.....	96	98	\$5,178	96	98	\$5,609	96	98	\$5,609	...	...

Long-Range Goals: To effectively and efficiently handle all litigation assigned to the unit, especially litigation concerning the National Environmental Policy Act, protection of public lands, mineral development, water resources, inverse condemnations, Alaska National Interest Lands, energy development and conservation, marine resources and federal Indian policy. In cooperation with client agencies, develop programs for litigation in important statutory areas so that various agency programs can be effectively promoted and furthered through thoughtful case law development. To complete litigation of Indian tribal claims expeditiously and with fairness both to the Indian Tribes and the United States. To protect and define the rights of Indian Tribes under treaties, acts of Congress and Executive Orders, in those cases where the United States has a trustee relationship with such Indian or Indian tribes. To assist the Division in meeting its responsibilities in the rapidly changing context of environmental law and other areas assigned.

Major Objectives:

In the area of general litigation, the division unit's major objectives are:

To successfully defend against legal challenges to significant national programs.

To successfully defend the United States against monetary claims and claims challenging actions affecting federal lands, Indians, the environment, and marine resources.

To successfully initiate actions to enforce statutes and regulations protecting the public resources, including public land, water, and mineral resources.

To conduct litigation, primarily in the Supreme Court, to determine the offshore boundaries between the United States and the states.

To conduct or supervise litigation relating to the protection and management of natural resources of the outer-continental shelf (OCS), particularly oil and gas resources.

To conduct or supervise litigation relating to the protection and management of coastal and marine environment.

To participate on behalf of the Department of Justice in the National Security Council's Law of the Sea Group with the objective of coordinating the development of international law and policy relating to the seas and seabed.

In the area of Indian Claims, the decision unit's major objectives are:

To complete substantially all claims filed under Section 2 of the Act of August 13, 1946, (pre-1946 claims) within two years.

To dispose of all claims filed under 28 U.S.C. Sec. 1505 (post-1946 claims) which are more than six years old.

In the area of Indian Resources, the decision unit's major objectives are:

To provide representation for the United States as trustee for Indians or Indian Tribes in order to protect and define their rights under treaties, statutes, and Executive Orders.

To evaluate, settle, and when necessary, litigate claims arising under the Public Law 95-103, pertaining to damage claims brought by the United States on behalf of Indian Tribes.

In the area of Policy, Legislation and Special Litigation, the decision unit's major objectives are:

To provide legal counsel to the Assistant Attorney General.

To provide accurate and timely responses to all requests for comment on legislative proposals.

To provide appropriate and competent input to the legislative process including preparation of testimony for Department witnesses and proposals for the Administration's program.

To monitor and report to the Division on legislative activity related to the Division's areas of responsibility.

To develop accurate and timely responses to all congressional referrals and inquiries.

To process all requests and ensure compliance with the law for:

- a. the Freedom of Information Act
- b. the Privacy Act

To counsel client agencies and litigate unusual problems.

To process requests for assistance and monitor litigation involving state and local governments.

To provide appropriate litigation support in emergencies.

To file amicus briefs as requested by client agencies.

Base Program Description: The jurisdiction of the General Litigation decision unit is the broadest and most varied in the Division. Its primary task is to defend federal agency action in a number of areas, which include: orderly use and disposal of the public lands, waters, minerals, and other natural resources; construction and other projects such as highways, dams, nuclear waste transportation and treatment; challenges to agency decisions for alleged violations of the National Environmental Policy Act (NEPA); decisions regarding Indians and Indian tribes; agency action under a number of statutes, including the Alaska Native Claims Settlement Act, the New Alaska National Interest Lands Conservation Act, the Coastal Zone Management Act, the Outer Continental Shelf Lands Act, the Surface Mining Act, and the Deep Seabed Mining Act; water rights litigation affecting federal interests including defense of the United States' interest in general stream adjudications; and the federal surface mining program. The unit's work also includes protection of the United States' monetary interest against claims based on inverse condemnation or other real property matters in the Court of Claims. The unit handles a small proportion of affirmative cases, including collection cases for Surface Mining fines, trespass actions, fire suppression matters, and miscellaneous other cases. The issues and programs which are the subject of the unit's work are among the most visible and important in the government. The decision unit will expend more time to close fewer cases since the character of the cases received is changing to include higher-weighted, more complex cases such as the Outer Continental Shelf litigation.

The Indian Claims program of the unit defends the Government in litigation brought by Indian tribes. The Act of August 13, 1946, 60 Stat. 1049, 25 U.S.C. Secs. 70 et seq., established the Indian Claims Commission to determine claims against the United States on behalf of Indian tribes arising between 1776 and August 13, 1946. Indian tribal claims against the United States arising after that date are determined by the Court of Claims under 28 U.S.C. 1505.

The need for this legislation and program is based on alleged past mistakes of the United States, principally the Bureau of Indian Affairs or its predecessors, in administering Indian programs for the United States. Liability exists because the Congress recognized the need to rectify wrongs committed against Indians and waived the Government's sovereign immunities and the defense of laches or statutes of limitations. In addition, Congress has granted a broader than normal jurisdiction with respect to the pre-1946 claims; viz, claims based on "fair and honorable dealings" and claims based on revision of treaties, contracts or agreements.

The purpose of the Indian Claims program is to provide legal representation to the Government in defense of claims before the Court of Claims, which cannot be settled by negotiations. Given the present laws establishing liability of the Government to tribal groups, allowing these to go undefended and to depend on the court to protect the Government's interest would result in much higher judgments against the Government. Experience indicates the program saves the Government roughly half of the amount initially claimed.

The basic jurisdictional statutes which authorized Indian tribal claims against the United States in the Court of Claims are Section 2 of the Act of August 13, 1946 (Indian Claims Commission Act), 60 Stat. 1049, 1050, as amended, 25 U.S.C. Sec. 70a and 28 U.S.C. Sec. 1505. Section 2 claims are those arising between 1776 and August 13, 1946. Such claims were

required to be filed in the Indian Claims Commission by August 13, 1951, 60 Stat. 1049, 1052, 25 U.S.C. Sec. 70k. Claims arising after August 13, 1946, are filed in the Court of Claims under 28 U.S.C. Sec. 1505 and are subject to the usual 6-year statute of limitations, 28 U.S.C. Sec. 2501.

Since the last session of the 95th Congress, several bills have been enacted which re-open, for the first time since 1946, jurisdiction over certain new claims which arose prior to August 13, 1946. These included the Act of March 13, 1978, 92 Stat. 153, concerning re-litigation of the Sioux Black Hills claim, the Act of March 21, 1978, 92 Stat. 158, which allowed the Wichita Tribe to bring new pre-1946 claims, the Act of May 15, 1978, 92 Stat. 244, which permits the Zuni Tribe to bring pre-1946 land claims; and the Act of May 26, 1980, 94 Stat. 372, which permits the Cow Creek Band of Umpqua Indians to file pre-1946 claims. Three new laws, the Act of October 10, 1980, 94 Stat. 1859; the Act of October 9, 1980, 94 Stat. 1713; and the Act of October 9, 1980, 94 Stat. 1711; permit, respectively, the Assiniboine Tribe, the Blackfeet and Gros Ventre Tribes, and the Three Affiliated Tribes of Fort Berthold Reservation, to re-litigate issues involved in previous, pre-1946, litigation.

This program has virtually no discretion to decline defense of claims in the practical sense. Since the outstanding possible exposure to the government is \$2.0 billion, the loss to the Government in declining defense would be significant.

The Indian Resources program of this decision unit is responsible for litigation where the United States is acting as trustee on behalf of the Indians. The basis for the trust relationship existing between the United States and Indian tribes and their members is found in a myriad of treaties, statutes and Executive Orders (see Kappeler, Indian Affairs, Volumes I, III, IV, and V). Under these authorities the United States, acting through the Executive Branch, is obligated to perform a variety of functions on behalf of Indian tribes and their members, and Congress, in recognition of this obligation, annually has appropriated funds so they may be carried out.

At this time, the unit's most important litigation is concentrated in three general areas. First, there is litigation to establish, by judicial decree, the rights of the Indians to waters appurtenant to their reservation. Since most reservations involved lie in the arid portions of the western United States, the establishment of such rights is essential to permit development of the reservation. Second is the litigation relating to the establishment and protection of hunting and fishing rights held under treaties. Third is the litigation which relates to such questions as the jurisdiction of Indian tribes to govern and control activities of their members within their reservations. This latter class of cases involves a broad spectrum of problems touching almost all facets of the lives of those Indians under the protective arm of the Government.

The magnitude of the national problem addressed by this program is reflected by several factors:

1. The litigation program extends to the protection of more than 50 million acres of Indian reservation lands;
2. Since Indian tribes own or have rights to substantial amounts of water in states with relatively little water, tremendous opportunities for controversy and litigation exist;
3. Indian and Federal claims of jurisdiction within states having Indian reservations have created increasing amounts of litigation, e.g., *United States v. Montana*, decided March 25, 1981, by the U.S. Supreme Court and *Merrion v. Jicarilla Apache Tribe*, argued March 30, 1981, and set for reargument next term in the U.S. Supreme Court, are the most recent ones of importance.

The Indian Resources program acts primarily in furtherance of the policies of the Department of the Interior, its client agency. Efforts to comply with the policies of that agency require close coordination and consultation throughout the litigation.

The Policy, Legislation and Special Litigation (PLSL) program of the decision unit addresses the dynamic nature of the subject matter which is assigned the Land and Natural Resources Division. Federal policies and needs with respect to natural resources, Indian, and environmental issues are the subject of many legislative, executive, and judicial proposals and decisions each year. The decision unit must focus this high level activity in order for the Division to keep pace with rapidly developing law related to Federal natural resources and the environment. Other resources of the Division are overburdened with day-to-day programmatic responsibility and therefore cannot also perform the activities mentioned above.

Because of legislative activity alone, the Division has experienced an explosion of laws for which it has responsibility. Over 40 new environmental statutes were enacted during the decade of the 1970's. This Division comments on more than 250 legislative proposals each year, many involving complex and far-reaching programs. Justice Department involvement at the legislative stage can often avoid problems which otherwise require years of more expensive effort in regulatory and litigation processes. Additionally, the Division must respond to Congressional inquiries and referrals of problems. Last year, the Division handled 140 such matters.

The Division is confronted with special litigation needs because of novel client problems, enforcement gaps in traditional programs, requests for assistance from state or local governments, litigation emergencies, judicial determinations changing significant precedents, and mandates from Congress and the Attorney General. Such needs almost always require concentrated and immediate allocation of personnel. Although the subject matter of these needs is varied, the level of need, however, is constant and will tend to increase in the context of the rapidly developing areas of law assigned to the Division.

Accomplishments and Workload: The accomplishments of the General Litigation program are presented in the following table:

Item	Estimates		
	1981	1982	1983 1984
GENERAL LITIGATION			
Cases/Matters pending, beginning of year	2,563	3,598	4,256 5,006
Cases/Matters Received	1,975	1,559	1,700 1,700
Cases/Matters Closed	940	901	950 993
Cases/Matters pending, end of year	3,598	4,256	5,006 5,713
INDIAN CLAIMS			
Cases/Matters pending, beginning of year	118	91	79 60
Pre-1946 cases	84	67	54 32
Post-1946 cases	34	24	25 28
Cases/Matters Received	7	5	13 6
Cases/Matters Closed	34	17	32 30
Pre-1946 cases	17	13	22 10
Post-1946 cases	17	4	10 20
Cases/Matters pending, end of year	91	79	60 36
INDIAN RESOURCES			
Cases/Matters pending, beginning of year	602	500	499 474
Cases/Matters Received	52	36	50 50
Cases/Matters Closed	154	37	75 75
Cases/Matters pending, end of year	500	499	474 449

Accomplishments and Workload (continued):

Item	Estimates		
	1981	1982	1983 1984
POLICY, LEGISLATION AND SPECIAL LITIGATION (PLSL)			
Cases/Matters pending, beginning of year	154	203	97 112
<u>Cases/Matters Received</u>			
Cases Received	36	45	40 40
Reports on Bills	257	325	315 315
Congressional Correspondence	84	80	80 80
Response to FOIA/PA Requests	109	79	80 80
Citizens Mail	438	309	400 400
Policy Planning Studies	31	103	125 125
Legal Counsel Matters	955	941	1,040 1,040
<u>Cases/Matters Closed</u>			
Cases Closed	31	35	30 30
Reports on Bills	259	341	310 310
Congressional Correspondence	85	82	80 80
Response to FOIA/PA Requests	118	72	80 80
Citizens Mail	378	397	405 405
Policy Planning Studies	35	120	120 120
Legal Counsel Matters	906	1,047	1,025 1,025
Cases/Matters pending, end of year	203	97	112 127
GRAND TOTAL, GENERAL LITIGATION DECISION UNIT			
Cases/Matters pending, beginning of year	3,437	4,392	4,931 5,652
Cases/Matters Opened	2,989	2,541	2,803 2,796
Cases/Matters Closed	2,034	2,002	2,082 2,123
Cases/Matters pending, end of year	4,392	4,931	5,652 6,325

	1983 Appropriation Anticipated		1984 Base		1984 Estimate		Increase/Decrease	
	Pos.	NY Amount	Pos.	NY Amount	Pos.	NY Amount	Pos.	NY Amount
Management and administration.....	42	37 \$4,476	42	37 \$4,686	42	37 \$4,686	...	...

Long-Range Goal: To provide efficient and effective management of the Division while supporting the program priorities of the President, Congress and the Attorney General in the environmental, energy conservation and resources protection areas. To provide the Division with the modern administrative and management systems and support services required to operate effectively and efficiently, accomplish its mission, and discharge its responsibilities.

Major Objectives:

To develop further program initiatives, as required, and respond to the Administration's policy needs.

To maximize litigation support of client agencies' programs.

To develop program planning for all programs of the Division.

To assure Division-wide use of automated litigation management and support systems in order to refine program plans and monitor and evaluate program performance.

To conduct seminars in major program areas for U.S. Attorneys and their Assistants concerning substantive and procedural law and related matters to increase efficiency and provide better service for our client agencies.

To develop systems for improved fiscal planning and accountability at the program level.

To determine and implement the Division's long-range resource requirements for litigation support.

To complete the implementation of automated litigation management systems including resource requirements analysis.

To establish a management systems review function and participate in resources allocation studies and plans in conjunction with the Policy, Legislation and Special Litigation program.

To prepare an updated administrative procedures manual.

To develop user training for automated litigation support, word processing, and administrative systems.

To continue to evaluate and improve the Division's word processing systems to ensure optimum staff utilization.

To automate selected administrative records and systems.

To inventory and identify management, attorney, technical, and clerical training needs and initiate a process of scheduled participation.

To develop and implement a comprehensive attorney and support staff recruitment, interview, screening, and selection program.

To review and revise all existing clerical and secretarial position descriptions and workplans.

To conduct a section by section evaluation of workflow, productivity, and program management to identify problems and recommend changes.

To develop Division policies concerning issues such as maternity leave, promotion, awards, adverse actions, and performance evaluation criteria.

Base Program Description: This decision unit provides leadership, direction and management for the Land and Natural Resources Division. The Assistant Attorney General and Deputies set program direction and implementation guidance according to policy initiatives articulated by the President, Congress and the Department of Justice. Once litigation and fiscal policy are set, the decision unit administers and manages the resources so as to most effectively accomplish the priorities set by the President, Congress and the Department.

The decision unit also provides the Division with administrative and management systems and the support services and programs vitally necessary to operate effectively and efficiently in carrying out its litigation mission and responsibilities. The responsibilities of this decision unit include: budget preparation and execution; financial analysis, workload and resource requirements analysis, planning and control; development operations, and maintenance of management and litigation support systems; the management of space, facilities, and supplies requisitions; recruitment and the processing of personnel actions including payroll and benefits; the processing of mail and files control; provide messenger, printing and copying services, and the processing of purchase order requisitions.

Accomplishments and Workload: The accomplishments and workload of the Management and administration program follow:

Item	Estimates		
	1981	1982	1983
Documents classified and processed	752,000	759,100	775,000
Personnel and payroll actions	28,460	29,000	29,400
Copies produced in copy center	3,200,000	3,250,000	3,300,000
Procurement & contract actions processed	600	650	675
Financial accounting actions processed	5,550	5,625	5,625
Major budget and financial analysis documents prepared	72	80	80
Active litigation support, automated legal research and legal systems projects	23	30	35
Automated administrative systems reports produced	576	924	1,000
TOTAL MANAGEMENT AND ADMINISTRATION WORKLOAD	3,987,281	4,045,409	4,111,815
			4,177,222

Under the leadership of this program, the Land Acquisition docket has been reduced, the Lands Docket Tracking Case Management System has been established for all sections, the Division has been reorganized into more efficient and effective work programs, an environmental enforcement program has been established, and quality representation in high priority cases has been continued.

Land and Natural Resources Division
Salaries and expenses, General Legal Activities

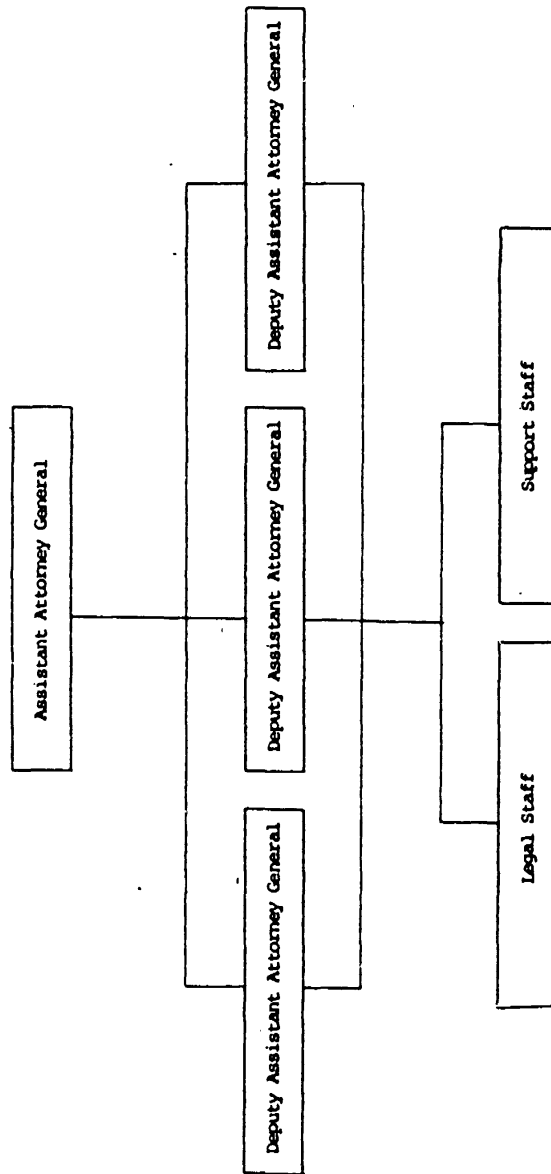
Priority Rankings

<u>Program</u>	<u>Base Program</u>	<u>Ranking</u>
Environmental Protection		1
Appellate		2
General Litigation		3
Management and Administration		4
Land Acquisition		5

Land and Natural Resources Division
Salaries and expenses, General Legal Activities
Detail of Permanent Positions by Category
Fiscal Years 1982 - 1984

Category	1982		1983		1984	
	Authorized		Authorized		Request	
Attorneys.....	185	185	185	185	185	185
Paralegal Specialist.....	21	21	21	21	21	21
General Admin., Clerical and Office Service.....	123	123	123	123	123	123
Accounting and Budget.....	4	4	4	4	4	4
Business and Industry Group.....	3	3	3	3	3	3
Total.....	336	336	336	336	336	336
Washington.....	325	325	325	325	325	325
U.S. Field.....	11	11	11	11	11	11
Total.....	336	336	336	336	336	336

ORGANIZATION CHART
OFFICE OF LEGAL COUNSEL



Office of Legal Counsel
Salaries and expenses, General Legal Activities
Summary of Requirements
(Dollars in thousands)

	Perm. Pos.	Work- Years	Amount
<u>Adjustments to base:</u>			
1983 as enacted.....	3:	39	\$1,934
Reprogramming to Civil Division for litigation support activities.....	...	...	-20
1983 Pay supplemental requested:			
Increased pay costs.....			62
Medicare costs.....			12
Amount absorbed.....			-2
Net pay supplemental.....			
1983 appropriation anticipated.....	35	39	1,986
Uncontrollable increases:			
Annualization of 1983 pay increases.....	...	...	2
Annualization of Executive Level pay increases.....	...	...	5
Annualization of medicare costs.....	...	...	4
Within-grade increases.....	...	...	13
Health benefits costs.....	...	...	2
Standard level user charges (SLUC).....	...	...	123
GSA recurring reimbursable services.....	...	...	2
Federal Telecommunications System (FTS).....	...	...	4
CAP Telephone rate increase.....	...	...	2
Telephone system line charges.....	...	...	4
GPO printing costs.....	...	...	2
General pricing level adjustment.....	...	...	4
Total, uncontrollable increases.....	...	...	167
Decreases:			
One less compensable day.....	...	...	-5
Nonrecurring cost for change in hourly rate.....	...	...	-1
Postal Service redistribution.....	...	...	-1
Total, decrease.....	...	...	-7
1984 Base.....	35	39	2,146
1982 as Enacted	35	39	\$1,620
1982 Actual	35	33	\$1,599
1983 Appropriation Anticipated	35	39	\$1,986
1984 Base	35	39	\$2,146
1984 Estimate	35	39	\$2,146
Estimates by budget activity			
6. Legal opinions.....	...	...	...

Office of Legal Counsel

Salaries and expenses, General Legal Activities

Justification of Program and Performance

Activity Resource Summary
(Dollars in thousands)

Activity: Legal Opinions	1983 Appropriation Anticipated			1984 Base			1984 Estimate			Increase/Decrease		
										Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Legal opinions.....	35	39	\$1,986	35	39	\$2,146	35	39	\$2,146	...	...	...

This budget activity includes resources for the primary mission of the Office of Legal Counsel (OLC). Funds requested for this activity support personnel involved with the preparation of the Opinions of the Attorney General and other OLC opinions on a variety of significant and complex constitutional, statutory and other legal questions involving the operation of the Executive Branch.

Long-Range Goal: To meet the steadily increasing number of requests for opinions from offices within the Department and from Executive Branch agencies, and to maintain the quality and timeliness of OLC opinions. To fulfill this goal, the Office of Legal Counsel must maintain a staff versatile enough to undertake any project the Attorney General assigns.

Major Objectives:

To increase the timeliness and quality of all OLC formal and informal opinions.

To carry out the President's Executive Order on Federal Legal Services by improving this Office's usefulness as an aid in the resolution of Intra-Executive Branch disputes and legal questions.

To assist other components in the Department of Justice in drafting and providing testimony on proposed legislation.

To provide comments on the constitutionality and legality of proposed legislation of interest to other departments and agencies.

To continue the practice, begun in 1977, of making publicly available in published form those Office of Legal Counsel opinions that are of general interest to the public.

Base Program Description: The principal duty of the Office of Legal Counsel is to assist the Attorney General in his function as legal adviser to the President and Executive Branch agencies. The Office of Legal Counsel provides legal advice on questions of law to the President and his staff advisers, renders legal advice to other Executive agencies, prepares formal opinions of the Attorney General in response to requests from the President and heads of other Executive departments, and renders informal opinions on a variety of significant and complex constitutional, statutory and other legal questions involving the operation of the Executive Branch. The Office also handles a wide variety of special assignments for the White House and the Attorney General.

Under Executive Order 11030, all proposed Executive orders and proclamations must be approved by the Attorney General as to form and legality before submission to the President for his signature; this responsibility has been assigned to the Office of Legal Counsel. All proposed orders of the Attorney General, and all regulations requiring his approval, are also reviewed by the Office of Legal Counsel. In addition, the staff is also involved in coordinating the work of the Department with respect to treaties, Executive agreements and international organizations and performs a variety of special assignments referred to the Office by the Attorney General, the Deputy Attorney General, or the Associate Attorney General.

On a continuing basis, OLC provides advice and assistance to virtually all executive agencies. The Office assists the Office of Government Ethics in interpreting the conflict of interest laws as applied to individuals in the Executive Branch.

The Office of Legal Counsel frequently prepares reports on proposed legislation raising either constitutional or complex legal issues that are submitted to the Department for comment, and provides advice to the Office of Management and Budget on enrolled bills which have been presented to the President. The Assistant Attorney General, his deputies and members of his staff testify before Congressional committees on a variety of legislative matters, particularly those involving questions of constitutional law. The Office also prepares testimony for the Attorney General or other Department officials in matters within its special expertise.

The Office furnishes legal assistance to other components of the Department of Justice both in the context of ongoing litigation and prior to the commencement of litigation. Representatives of the Office are also called upon regularly to serve on various Departmental task forces and study groups. The Office is represented on the Department Review Committee and the Freedom of Information Committee. The Office also participates in interagency committees, such as the Interagency Information Security Committee. A member of the staff has provided substantial assistance to the President's Personnel Representative for Micronesian Status Negotiations in connection with the arrangement of a new status for the Northern Mariana Islands and the remainder of the Trust Territory of the Pacific Islands. An attorney on the staff is, by designation of the Attorney General, one of the three statutory members of the Administrative Committee of the Federal Register. This same attorney is the Department's Federal Register Liaison Officer. A member of the staff has provided counsel on a regular basis to INTERPOL, since that organization, which employs no attorneys, became administratively attached to the Department of Justice.

Accomplishments and Workload: Accomplishments of the Office of Legal Counsel are presented in the following table:

Item	1981	1982	Estimates	
			1983	1984
Executive orders and proclamations.....	84	62	85	90
Opinions.....	456	503	525	535
Intradepartmental opinions.....	607	625	635	650
Special assignments.....	2,511	2,552	2,600	2,600

The number of opinions rendered by OLC has continued to increase. OLC has taken a major role in either testifying or preparing testimony in connection with pending legislation of interest to the Department and the Administration. OLC has assisted in the drafting of legislation, and in providing legal advice, regarding the increase in Cuban and Haitian refugees. Also, OLC has drafted legislation on the applicability of statutory requirements to citizens of the Northern Mariana Islands.

As in the past, OLC has continued to provide counseling with regard to encroachment by Congress on the constitutional prerogatives of the President. OLC has issued, for example, a number of legal opinions on the subject of the President's power to remove presidential appointees from office as a means of ensuring his control over the policymaking apparatus within the Executive Branch.

The Office of Legal Counsel has provided counseling in recent disputes concerning demands by congressional committees or subcommittees for Executive Branch documents which raise the possibility of assertion of executive privilege, and OLC has prepared for the Attorney General an opinion dealing specifically with the government-wide issue of requests by congressional committees for documents found in open law enforcement files. In connection with that opinion, OLC has rendered legal advice to the Civil Division regarding litigation arising out of the President's assertion of executive privilege pursuant to that opinion.

OLC has published an extensive Memorandum of Law on the legal authorities available to the President to respond to energy emergencies. The Office of Legal Counsel has provided extensive counseling on the legal issues and legal effects of a proposed constitutional amendment on prayer in public schools and a proposed constitutional convention on balancing the budget. OLC has advised on the constitutional implications of the busting provisions and legislation to restrict Federal District Courts and Supreme Court's jurisdiction. The Office has also commented on legislation that would raise the debt ceiling. OLC has recently given lengthy opinions on the legal issues involved in Federal non-reserved water rights and the Paperwork Reduction Act's coverage of regulations on reporting or recordkeeping requirements. Also, OLC has assisted the White House Counsel's Office in developing a structure for the President's Private Sector Survey on Cost Control in the Federal Government. The Office has also prepared a number of legal opinions dealing with statutory and constitutional issues raised by the conduct of undercover operations, and provides continuing counsel to the Deputy and Associate Attorneys General regarding such operations.

OLC has also prepared for the signature of the Attorney General an opinion certifying the legality of certain actions necessary to be taken by the Secretary of Defense in order for the Secretary to pay all uniformed military personnel. This opinion was relied on by the President in his veto of the government-wide bill making supplemental appropriations for 1982.

The Office is providing on a continuing basis legal advice to the National Security Council regarding constitutional issues raised in connection with arms limitation talks between the United States and the Soviet Union in Geneva.

The Office rendered legal advice in response to requests from various Executive departments and agencies concerning conflict of interest questions. Another project included advice rendered in connection with the President's regulatory reduction effort.

OLC has cooperated with the Civil Division in reviewing a number of issues regarding the representation of government employees. The Office has continued to publish noteworthy opinions, has completed the process of establishing a JURIS-related retrieval system to aid OLC attorneys in conducting research, and has greatly improved its word processing capability.

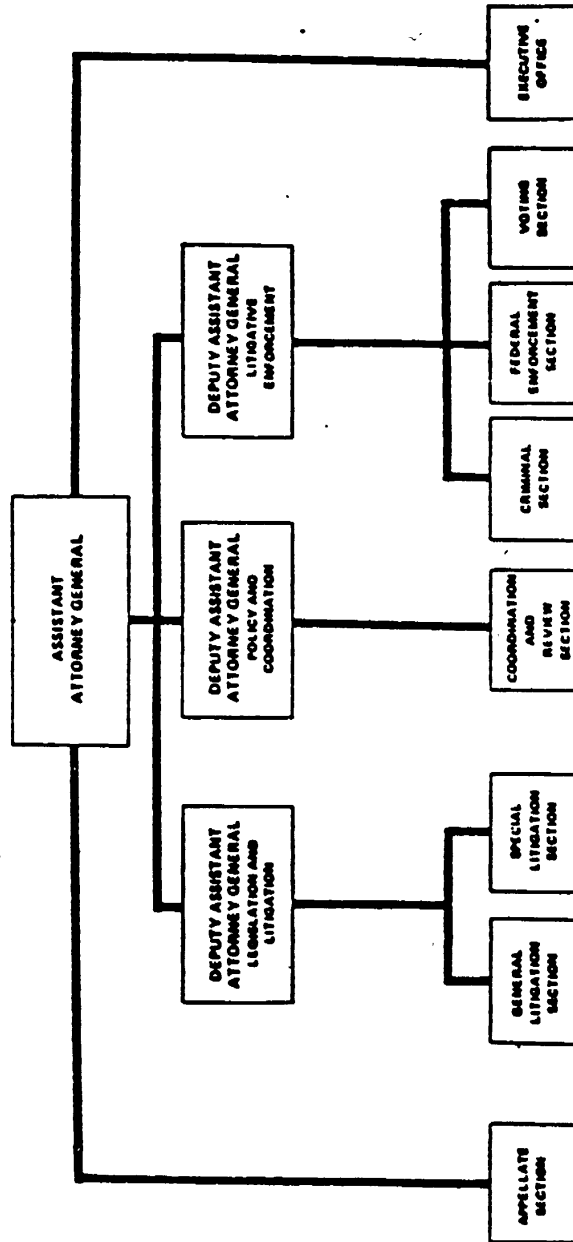
The Office has provided extensive counsel to the Administration with regard to the President's major initiatives in regulatory reform and in bringing the expenditures of federal funds under control through administrative action consistent with existing statutes.

Attorneys in the Office are assigned to teams to support, in the event of an emergency, continuity of government and presidential succession. A number of attorneys on these teams participated in exercises related to these functions.

Office of Legal Counsel
Salaries and expenses, General Legal Activities
Detail of Permanent Positions by Category
Fiscal Years 1982 - 1984

Category	1982 Authorized	1983 Authorized	1984 Request
Attorneys.....	20	20	20
Legal clerks.....	9	9	9
Gen. admin., clerical and office svc.....	6	6	6
Total.....	35	35	35
Washington.....	35	35	35
U.S. Field.....	...	...	...
Foreign Field.....	...	...	...
Total.....	35	35	35

CIVIL RIGHTS DIVISION



APPROVED *James B. McInnis* DATE May 3, 1982
Deputy Attorney General

Civil Rights Division
Salaries and expenses, General Legal Activities
Crosswalk of 1983 Changes
(Dollars in thousands)

Activity/Program	1983 President's Budget Request		Congressional Appropriation Actions on 1983 Request		Reprogramming		1983 Pay Supplemental Requested		1983 Appropriation Anticipated	
	Pos.	Wt.	Pos.	Wt.	Pos.	Wt.	Pos.	Wt.	Pos.	Wt.
Federal appellate activity.....	30	30	\$1,433	...	...	...	...	...	30	30
Civil rights prosecution.....	37	37	1,659	...	...	...	...	...	37	37
Special litigation.....	35	36	1,890	...	...	...	...	...	35	36
Voting.....	56	59	2,148	...	...	...	...	...	56	59
General litigation.....	66	67	2,931	...	...	...	...	...	66	67
Federal enforcement.....	61	62	2,851	...	...	...	...	...	61	62
Coordination and review.....	39	42	1,806	...	...	...	...	...	39	42
Management & administration.....	61	74	4,104	...	...	...	...	...	61	75
Total.....	385	407	18,822	...	...	...	...	...	385	408

Explanation of Analysis of Changes from 1983 Appropriation Request

Congressional Appropriation Actions

The Congress reduced the General Legal Activities appropriation's 1983 request by \$137,000 based on its decision to hold the 1983 Standard Level User Charge (SLUC) amounts at the rates incurred during 1982. The Civil Rights Division's portion of this reduction is \$59,000.

Reprogramming

The reprogramming of \$1,359,000 to the Civil Division from the other legal divisions, including \$180,000 from the Civil Rights Division, represents the Department's priority placed on the continuation of the project to automate litigation support activities in the Civil Division during 1983. The Office of Management and Budget has allowed one additional workyear in 1983 over the President's Budget request for the Task Force on Legal Equity for Women.

Supplemental Requested

The pay request provides \$650,000 to meet increased pay requirements (Executive Order 12387, October 3, 1982 as modified by P.L. 97-248, the Tax Equity and Fiscal Responsibility Act of 1982, and P.L. 97-377, Further Continuing Appropriations).

Civil Rights Division
Salaries and expenses, General Legal Activities

Summary of Resources by Program
(Dollars in thousands)

Estimates by Program	1982 as Enacted			1982 Actual			1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease		
	Pos.	WY	Ant.	Pos.	WY	Ant.	Pos.	WY	Ant.	Pos.	WY	Ant.	Pos.	WY	Ant.	Perm.	WY	Ant.
Federal appellate activity.....	30	30	\$1,300	30	30	\$1,294	30	30	\$1,471	30	30	\$1,568	30	30	\$1,568	...	...	...
Civil rights																		
prosecution.....	37	37	1,653	37	37	1,646	37	37	1,700	37	37	1,812	40	39	1,986	3	2	\$174
Special litigation.....	35	36	1,743	35	35	1,736	35	36	1,934	35	36	2,045	35	36	2,045	...	...	...
Voting.....	56	59	2,044	56	58	2,035	56	59	2,209	56	59	2,357	68	68	2,741	12	9	384
General litigation.....	66	67	2,821	66	66	2,810	66	67	3,002	66	67	3,194	66	67	3,194	...	...	...
Federal enforcement.....	61	62	2,622	61	60	2,612	61	62	2,918	61	62	3,099	61	62	3,099	...	...	...
Coordination and review..	39	42	1,755	39	41	1,748	39	42	1,850	39	42	1,972	39	42	1,972	...	...	...
Management and administration.....	61	75	3,665	61	73	3,649	61	75	4,149	60	72	4,358	60	72	4,685	...	...	327
Total.....	385	408	17,603	385	400	17,530	385	408	19,233	384	405	20,405	399	416	21,290	15	11	885
Other Workyears																		
Holiday.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Overtime.....	3	3	...	4	4	...	...	3	3	3	3	3	3	3	3	...	...	...
Total compensable workyears.....	411	411	...	404	404	...	411	411	411	408	408	408	419	419	419	11	11	11

Civil Rights Division
Salaries and expenses, General Legal Activities

Justification of Program and Performance

Activity Resource Summary
 (dollars in thousands)

Activity: Civil Rights Matters	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease		
	Anticipated			Perm.			Perm.			Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Federal appellate activity.....	30	30	\$1,471	30	30	\$1,568	30	30	\$1,568	...	...	...
Civil rights prosecution.....	37	37	1,700	37	37	1,812	40	39	1,986	3	2	\$174
Special litigation.....	35	36	1,934	35	36	2,045	35	36	2,045	...	...	...
Voting.....	56	59	2,209	56	59	2,357	68	68	2,741	12	9	384
General litigation.....	66	67	3,002	66	67	3,194	66	67	3,194	...	...	...
Federal enforcement.....	61	62	2,918	61	62	3,099	61	62	3,099	...	...	...
Coordination and review.....	39	42	1,850	39	42	1,972	39	42	1,972	...	...	...
Management and administration.....	61	75	4,149	60	72	4,358	60	72	4,685	...	...	327
Total.....	385	408	19,233	384	405	20,405	399	416	21,290	15	11	885

This budget activity consists of resources designed to accomplish the mission of the Civil Rights Division. The Division is responsible for the enforcement of all laws and Executive Orders prohibiting discrimination on account of race, color, national origin, sex, age, handicap or religion. The Attorney General has also been delegated responsibility to administer the special provisions of the Voting Rights Act of 1965, as amended in 1970, 1975 and 1982, including under Section 5, the preclearance of all changes affecting voting in covered jurisdictions; to litigate sex discrimination cases referred under Title IX of the Education Amendments of 1972; and to handle cases involving discrimination by federal contractors referred by the Department of Labor. The Division's delegation of the Attorney General's responsibilities to coordinate and enforce Title VI of the Civil Rights Act of 1964 by all federal program agencies, was enhanced significantly by Executive Order 12250, signed November 2, 1980. The new Executive Order increased the Division's coordination authority under Title VI and also delegated coordination authority for Title IX of the Education Amendments of 1972 and Section 504 of the Rehabilitation Act of 1973, as amended. In addition, in 1980 the Congress enacted the Civil Rights for Institutionalized Persons Bill which authorizes the Attorney General to bring litigation against unconstitutionally operated state and local institutions.

1983 Appropriation		1984 Base		1984 Estimate		Increase/Decrease				
Anticipated		Perm.		Perm.		Perm.				
Pos.	WY	Amount	Pos.	WY	Amount	WY	Amount			
Federal appellate activity.....	30	30	\$1,471	30	30	\$1,568	30	\$1,568

Long-Range Goal: To reduce the incidence of unlawful denials of civil and constitutional rights.

Major Objectives:

To file, on a selective basis, appellate level cases initiated by the government.
 To serve as a friend of the court in appellate cases which have a substantial impact on federal civil rights enforcement.
 To try all appropriate appellate level litigation in the civil rights area, rather than to have such cases handled by the enforcement programs.
 To provide legal counsel to government departments and agencies with respect to their civil rights related programs and nondiscrimination requirements.
 To seek, through legislative enactment, improvements in federal civil rights laws.
 To comment on the legislative proposals of others.
 To provide, with respect to pending litigation, legal counsel and research assistance to other enforcement activities and to the Department.

Base Program Description: Once a litigative program has obtained a district court judgment, the case may be reviewed in the courts of appeals or the Supreme Court. This program handles or supervises the handling of all appeals from both favorable and adverse judgments in which the government participated. A favorable district court decision is meaningless if it is reversed on appeal, and the program needs and resource expenditures of district court litigation demand the ability to appeal adverse decisions. The success of the Division's litigation program depends on this program's effectiveness on appeal. In addition, since appellate court decisions in private cases may profoundly affect the entire civil rights effort, the Division participates as a friend of the court in appellate cases which raise issues that, when resolved, will have an impact on the scope of the Division's enforcement jurisdiction. In some instances the program participates in the district court in cases in which the other Division components have no direct responsibility.

Upon request, and sometimes on its own initiative, the program provides legal counsel on a wide range of difficult and sensitive issues to the Assistant Attorney General, other divisions, other federal agencies, U.S. Attorneys, and the Division's other litigating programs. Such counsel involves commenting on draft regulations and the efficacy of program administration, as well as advising on proper litigating strategy.

Program attorneys, on a selective basis, recommend amendments to existing legislation, draft new legislation, and comment on the legislative proposals of others in order to ensure that the most effective means of civil rights enforcement is available and uncompromised.

The activities of the program, as a whole, serve to promote a coordinated federal approach to the enforcement of civil and constitutional rights.

The other programs in the Division significantly affect this program because its appellate work is based largely upon the caseload of these programs.

For 1984, no additional resources are requested for this program. At the current level, this program will adequately represent the United States in its important appellate litigation. Legislative and legal counsel activities will be handled as resources permit.

Accomplishments and Workload: The accomplishments of this program are presented in the following table:

Item	Estimates		
	1981	1982	1984
Cases/Matters Commenced.....	292	275	265
Briefs Filed.....	106	84	93
Solicitor General Recommendations.....	27	23	25
Decisions Not to Participate or Appeal.....	26	26	26
Legal Counsel & Research Assistance Provided.....	35	47	45
Legislative Comment & Testimony.....	110	110	110
Cases/Matters Handled.....	247	390	424

The Workload Analysis System, which has been established by the Management and Administration Program, has been implemented by each of the Division's litigative programs. The system converts an input of basic case-type data (number of cases/matters, average work days per case, duration, etc.) into a systematic matrix output, which includes totals representing the manpower needs for a program and the projection of workyears required for a future budget year. Refinements in the data processing system have enhanced the ability of the programs to provide accurate tabulations of matters and cases commenced, closed and pending. This system is of great value in providing detailed backup for the staffing levels requested.

From October 1, 1981 through September 30, 1982, the Division filed approximately 36 papers in the Supreme Court and 48 in the circuit courts of appeals; over 90 percent were prepared by the Appellate Program (the remainder were reviewed by it). During this period, over 75 percent of the merit decisions were in full or partial accord with the Division's contentions.

In the Supreme Court the Division successfully defended the right of teachers to be free from gender-based discrimination in federally funded education programs, the right of testers to bring suit under the Fair Housing Act, the right of employees of a subsidiary of a Japanese corporation to be free from employment discrimination based on race, sex, or national origin, the right of voters in Mississippi to have state courts comply with Section 5 of the Voting Rights Act, and the right of undocumented aliens to the protections of the Equal Protection Clause of the Fourteenth Amendment. In the courts of appeals, the Division successfully defended a school desegregation plan involving the City of St. Louis, a criminal conviction arising from the robbery and torture of undocumented aliens, a finding of unlawful discrimination in housing in the City of Parma, Ohio, and findings promoting the rights of institutionalized persons. In a recent major decision, program attorneys convinced the Court of Appeals for the Third Circuit that a college with students receiving alternative disbursement Pell Grants was required to file with the Department of Education a certificate of compliance with the nondiscrimination requirements in Title IX of the Education Amendments Act of 1972.

In 1982, the program staff worked on 47 matters in its legal counsel capacity and 103 legislative matters including the recently enacted Voting Rights Amendments of 1982.

1983 Appropriation Anticipated	1984 Base		1984 Estimate		Increase/Decrease						
	Perm.	WY	Perm.	WY	Perm.	WY					
Civil rights prosecution.....	37	37	\$1,700	37	\$1,812	40	39	\$1,986	3	2	\$174

Long-Range Goal: To eliminate or significantly reduce police criminal misconduct as well as criminal misconduct of other public officials which violate the civil rights of persons in the United States; eliminate or substantially reduce violent activity by private citizens which interferes with federally protected civil rights on the basis of race, religion, national origin or sex, particularly in the areas of housing, public accommodations, and education; and eliminate or significantly reduce peonage and involuntary servitude violations, particularly those affecting migrant workers in the United States.

Major Objectives:

To expeditiously respond to and cause to be investigated all valid complaints of potential criminal civil rights violations. To present potentially meritorious incidents to grand juries for investigation and, where warranted, for indictment. To try cases in which indictments have been returned. To review and authorize criminal civil rights prosecutions proposed by the U.S. Attorneys. To reduce the amount of time required to review and make prosecutive determinations on matters investigated by making decisions not to prosecute within three months of receiving a complaint; initiate prosecution on all meritorious cases within six months of receiving a complaint. To establish task forces to deal with widespread criminal civil rights violations in specific urban areas as well as those affecting specific groups of victims such as Hispanics in the southwest and far west. To evaluate and coordinate federal criminal enforcement of school desegregation matters (court-ordered desegregation) in major cities. To establish a task force to deal with the victimization of migrant workers in violation of the involuntary servitude and peonage statutes. To increase the number of complaints received and the number of prosecutions by establishing an outreach program to increase public awareness of the Department's efforts in criminal civil rights prosecutions. To initiate prosecution of Ku Klux Klan members in all matters involving violations of federal criminal civil rights statutes.

Base Program Description: The program receives approximately 11,000 complaints and inquiries each year. Of these, about 3,400 are formally investigated. Line attorneys and paralegals are assigned to review the complaints and investigations and to make recommendations for further action. Approximately 75 matters are presented to grand juries each year for additional investigation or for indictment and approximately 35 cases are tried annually. Increased reliance has been placed on U.S. Attorneys through revision of authorization guidelines for prosecutions of criminal civil rights cases as set forth in the U.S. Attorneys' Manual.

Coordination is required with investigative agencies, primarily the Federal Bureau of Investigation (FBI), District Offices of U.S. Attorneys, and other programs of the Civil Rights Division, such as the General Litigation and Special Litigation programs, which are responsible for litigation of civil matters that occasionally develop into criminal prosecutions. Coordination with the FBI is accomplished by daily contact with headquarters personnel and written requests for investigations. Coordination with other programs of the Division is on a case-by-case basis. Coordination with the U.S. Attorneys

is accomplished through informal contacts and by formal letters of authorization to prosecute in accordance with the provisions of the U.S. Attorneys' Manual.

Accomplishments and Workload: The accomplishments of this program are presented in the following table:

Item	Estimates		
	1981	1982	1983
Complaints Received.....	11,064	10,327	11,000
Complaints Reviewed.....	11,234	11,621	11,600
Matters Investigated.....	3,390	3,227	3,400
Matters Terminated.....	3,435	3,496	3,700
Average time to close without prosecution (in months).....	5.5	5.1	4.7
Average time to file a case (in months).....	6.5	8.9	8.2
Average time to close a case (in months).....	7.3	7.7	7.1

The program annually processes a large number of complaints alleging criminal interference with civil rights. During the past fiscal year, 3,227 matters were reviewed which were ultimately investigated by the FBI and 8,399 other inquiries and complaints were reviewed. During this period the results of 81 investigations were presented to federal grand juries. Fifty indictments were returned and six informations were filed charging a total of 98 defendants. Trials were conducted in 43 cases, resulting in the conviction of 27 defendants. An additional 25 defendants tendered guilty pleas.

Investigation into complaints alleging summary punishment by law enforcement officials continued to account for much of the program's activity in 1982. Of the 56 cases filed, 43 involved possible violations of 18 U.S.C. 242 (deprivation of rights under color of law) or Section 241 (conspiracy against the rights of citizens). Thirty-four of the 43 cases tried involved alleged violations by police or other law enforcement officials. Significant cases included the successful prosecution of civil rights conspiracy charges of a Hidalgo, Texas, police officer who arranged for the kidnapping of a U.S. citizen into Mexico where the citizen was wanted on murder charges. The victim spent four months in jail before securing his release. In Tyler, Texas, two former police officers and a civilian pled guilty to conspiracy charges resulting from attempts to secure state convictions based on fabricated evidence and false testimony; a third officer was acquitted. Two McAllen, Texas, police officers pled guilty to charges of brutality; one of the incidents was on video tape. A prison official at the East Carroll Parish Prison Farm in Louisiana was charged with civil rights violations stemming from an incident where two inmates died after being locked up for 15 hours in a 32" x 70" x 78" metal "hot box".

Due to an apparent increase in Ku Klux Klan activity around the country, greater emphasis was placed on the prosecution of matters involving racial violence.

The program also continued in its effort to deter the victimization of migrant workers and other minorities in violation of the involuntary servitude and peonage statutes. Seventeen persons were indicted for violating these statutes. This compares to one person in 1981, five persons in 1980, and three in 1979. This increase is due in part to management efforts to improve communications and coordinate activities with other interested federal entities, e.g., Federal Bureau of Investigation, Department of Labor and Immigration and Naturalization Service.

Because of an increasing workload in civil rights prosecutions, the Division has continued to encourage the involvement of the U.S. Attorneys. This year has seen significant increases in the number of prosecutions handled jointly by the Criminal Program and the U.S. Attorneys' staffs. Experience demonstrates that such prosecutions have a greater likelihood of success, since Division attorneys are familiar with the substantive issues that repeatedly arise while the Assistant U.S. Attorneys are familiar with local court practices. In addition, increased reliance has been placed on the U.S. Attorneys through the revision of authorization guidelines for prosecutions in civil rights cases as set forth in the U.S. Attorney's Manual.

Program Changes: The 1984 request for this program includes resources for three new positions and \$174,000. The positions--two attorneys and one paralegal--are necessary to enable the program to have sufficient resources to achieve some of its major objectives and make significant progress toward others. While funding will still not permit the establishment of task forces concerning selected urban areas, Hispanic victims and migrant workers, the additional positions will enable the program to focus greater efforts in these areas and to concentrate on violent activities involving the Ku Klux Klan and other hate groups. These activities should generate a moderate increase in workload demand, since the investigations and prosecutions of the program are generally well publicized, at least, in the local area. The result of this publicity is usually to generate even more complaints.

The majority of work generated will be handled by the line attorneys. To meet the objective of reducing time required to make prosecutive decisions and at the same time ensure that proper consideration is given to each investigation, the average number of matters assigned to each attorney should be between 40 and 50. The current average is 65. An additional paralegal position will be necessary as the paralegals are responsible for the initial review of all civil rights complaints and for providing grand jury and trial support. Additional staff will enable the program to investigate matters in a more timely fashion, thereby facilitating successful prosecutions. Moreover, resources will be available to continue the encouragement of U.S. Attorneys to take a more active role in the prosecution of criminal civil rights violations.

Included within the \$174,000 request is \$50,000 for travel. The program must be able to redress the rights of citizens in the far west and southwest who have previously been ignored because of financial considerations. Should the additional positions be allotted, it can be anticipated that both the attorneys and paralegal will be in frequent travel status. This is true because more and more frequently the program is involved in particularly complex investigations, involving numerous grand jury sessions and lengthy trial proceedings.

Recent speeches by the Attorney General, the Deputy Attorney General and the Assistant Attorney General for the Civil Rights Division further emphasize this Administration's commitment to investigate and prosecute criminal civil rights offenses.

	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease	
	Perm.	Pos.	Amount	Perm.	Pos.	Amount	Perm.	Pos.	Amount	Perm.	Amount
Special litigation.....	35	36	\$1,934	35	36	\$2,045	35	36	\$2,045	...	...

Long-Range Goal: To establish and protect constitutional rights of institutionalized persons, mentally and physically handicapped persons of all ages, and persons confined in state and local prisons and jails; enforce federal laws prohibiting racial discrimination in all public facilities such as prisons and jails; and coordinate the U.S. Attorneys' enforcement of

federal laws prohibiting discrimination in places of public accommodation on the basis of race, color, religion or national origin.

Major Objectives:

- To investigate, upon reasonable cause, the conditions of confinement and treatment provided to persons residing in publicly operated institutions.
- To initiate civil actions on behalf of persons confined to publicly operated institutions wherein egregious or flagrant conditions deprive them of their constitutional rights.
- To initiate civil actions designed to remove illegal racial discrimination from public facilities.
- To participate as plaintiff or as amicus curiae in litigation to establish constitutionally acceptable conditions of confinement and care and treatment of institutionalized populations.
- To initiate and participate in litigation to remove illegal discrimination against handicapped persons.
- To ensure compliance with judgments or consent decrees obtained in the cases litigated by the program.
- To review, oversee and coordinate litigation based upon Title II of the Civil Rights Act of 1964, 42 U.S.C. 2000a, which prohibits discrimination in places of public accommodation on the basis of race, color, religion or national origin.

Base Program Description: Under requirements of the Civil Rights of Institutionalized Persons Act, 42 U.S.C. 1997, the Division must follow a specific enforcement format. When the program receives plausible information that 42 U.S.C. 1997 is being violated, it is required to officially inform the Governor or other public officials that an investigation will commence. Investigative techniques include evaluation of the institution's physical plant, programs and practices by expert consultants, review of institutional documents, interview of persons with knowledge of the institution's operations and analysis of state plans concerning budgetary and other resources. If the results of the investigation indicate an ongoing violation of 42 U.S.C. 1997, program attorneys are required to notify state officials prior to the filing of a civil action, of the specific factors which may violate the Act and the minimum measures which must be taken to remedy the alleged conditions. After certification by the Attorney General that appropriate state officials have been encouraged to correct deficiencies and have failed to do so, a civil action may be initiated under this Act.

When suit has already been initiated by private parties seeking redress for unconstitutional conditions, the program may participate as plaintiff-intervenor or as amicus curiae in litigation to establish constitutionally acceptable conditions within the institution or to place residents of the institution in appropriate settings. Where investigations indicate that a public facility practices racial discrimination in violation of Title III of the Civil Rights Act of 1964, the program initiates civil suit. The program initiates and participates in litigation which has as its purpose the eradication of discrimination directed against handicapped persons as mandated by Section 504 of the Rehabilitation Act of 1973, as amended.

The program monitors compliance with judgments or consent decrees previously entered in the cases on its docket by reviewing court-mandated reports, by authorizing FBI investigations and, in appropriate cases, by continuing contact with court-appointed monitors responsible for assuring compliance. The program presently coordinates its activities with a number of federal organizations including: Federal Prison System; U.S. Marshals Service; Office of Civil Rights, Department of Health and Human Services (HHS); Office of Human Development Services, HHS; Office of Special Education and Rehabilitative Services, Department of Education (ED); President's Committee on Mental Retardation; Office of Revenue Sharing (ORS), Treasury; Office of Justice Assistance, Research and Statistics; and the National Center for Child Abuse and Neglect. The program also exchanges information with various law reform organizations and the American Bar Association's Commission on the Mentally Disabled.

This level of funding will permit the program to achieve success in accomplishing its major objectives. It will enable the program to: (1) properly investigate all complaints of serious constitutional violations in this field; (2) address referrals from other federal departments and agencies such as IHS, ED and OHS; (3) litigate and conduct compliance monitoring on current cases on a timely, methodical and thorough basis; and, (4) bring new and significant litigation consistent with national policy.

Accomplishments and Workload: The accomplishments of this program are presented in the following table:

Item	Estimates			
	1981	1982	1983	1984
Cases Filed.....	...	3	10	20
Cases Closed.....	6	9	10	32
Cases Pending (end of year).....	50	44	44	32
Matters Received.....	1,050	479	550	630
Matters Closed.....	906	481	450	380
Matters Pending (end of year).....	640	638	738	988
Major Institutional Investigations Conducted.....	14	29	40	60
Major Institutional Investigations Closed.....	2	21	20	35

Since its inception, the Special Litigation Program has participated as amicus curiae or plaintiff intervenor in suits to vindicate the constitutional rights of civilly institutionalized persons to adequate treatment and habilitation in appropriate settings. As a result of its efforts, substantial improvements in conditions of confinement for institutionalized persons have been secured and minimally adequate services afforded to them. However, serious violations of constitutional rights continue to beset large numbers of institutionalized populations.

In 1982, a New York Court, citing grossly inadequate sanitation, insufficient clothing, absence of treatment programs, and lack of proper adaptive and positioning equipment for residents with severe physical handicaps, found major areas of non-compliance with portions of a 1975 consent judgment. A 1982 order in a juvenile right-to-treatment suit in Puerto Rico, the first such action in which the Division intervened under the Civil Rights of Institutionalized Persons Act, enjoined practices of confining mentally handicapped or physically ill inmates in isolation, and subjecting juveniles to physical abuse or corporal punishment. In the first suit in which the Division addressed the issue of equal treatment under the Fourteenth Amendment for female offenders, the court ordered a revision of policies on institutional privileges to ensure female inmates the same privileges routinely accorded to male inmates in Kentucky's male prisons.

During this period, the program continued litigation efforts on behalf of persons confined to publicly operated institutions such as prisons, jails, mental health facilities, juvenile reformatories and nursing homes. Within the past year, 17 formal investigations under the Institutionalized Persons Act have been noticed. One of these investigations resulted in the Division's intervention into a case against a forensic hospital in Louisiana. The program conducted extensive discovery against six nursing home facilities in Connecticut and a forensic hospital in Louisiana. The program obtained favorable terms in a consent decree signed in a statewide prison case in Florida and a joint proposed agreement was reached concerning the functions of a review panel in a case against Texas mental facilities.

1983 Approximation Anticipated	1984 Base		1984 Estimate		Increase/Decrease	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount

Voting..... 56 59 \$2,209 56 59 \$2,357 68 68 \$2,741 12 9 \$384

Long-Range Goal: To prevent and eliminate systemic barriers to the full participation by racial and language minorities and overseas citizens in the electoral process, and to achieve effective remedies for those citizens in specific instances where their right to vote has been denied or abridged.

Major Objectives:

To prevent through the Section 5 preclearance program the implementation of new standards, practices and procedures that have the purpose or effect of denying or abridging racial and language minorities' right to vote throughout the 925 counties specially covered by the Voting Rights Act (VRA).

To assure the assignment of federal observers to those polling places within the specially covered counties where observer personnel are needed to document misdeeds in the election process or to ensure confidence of the minority community in the electoral process and actions of individuals conducting the elections.

To provide a federal alternative for voter registration when the actions and practices of local authorities discriminatorily deny racial and language minorities' access to the voter registration rolls.

To defend lawsuits that are required to be brought against the United States under the special provisions of the VRA before three-judge panels in the United States District Court for the District of Columbia to preclear voting changes and to terminate coverage.

To initiate lawsuits against jurisdictions that violate the preclearance requirements of Section 5.

To discover and remedy actions of State and local election and voter registration administrators that prevent a full and fair exercise of the franchise by racial and language minorities and overseas citizens.

To discover and remedy methods of conducting elections that dilute the voting strength of racial and language minorities.

Base Program Description: The program is divided into two components. The Section 5 component, staffed by equal opportunity specialists/program analysts under the supervision of an attorney, reviews changes in voting practices or procedures proposed by the 925 jurisdictions which are required to have such changes cleared before they can be implemented. If a jurisdiction fails to carry its burden of proving that a change does not have a discriminatory purpose or effect, the program recommends to the Assistant Attorney General that he interpose an objection to the change. As an alternative to administrative preclearance the VRA provides that jurisdictions may seek judicial preclearance through declaratory judgment suits. The litigation component of the program handles these suits, brings suits against jurisdictions which implement voting changes which have not been precleared, and handles suits under the provision of the Act that allows jurisdictions to seek a judicial determination that they no longer need to be subject to the preclearance requirements.

The preclearance requirements of the VRA relate to changes in voting practices and procedures. Other provisions of the Act and other voting laws relate to existing practices and procedures, either those which existed before the Act went into effect in jurisdictions covered by the special provisions or those which exist in jurisdictions not covered by the special provisions. As resources permit, the litigation component brings lawsuits to remedy existing practices which deny, abridge or

allude minorities' voting rights. Enforcement of the 1975 exclusive right of prohibition is handled through the administrative and litigation enforcement mechanisms described above. In addition, program staff consults with and provides materials to local election officials to help them understand their responsibilities for assisting language minorities in exercising their voting rights. In a similar manner, it helps U.S. Attorneys to carry out their language provision enforcement responsibilities.

Both components of the program assist in determining where federal observers are needed to observe election day activities (to report indications of interference with or abridgment of minorities' voting rights). Through file reviews, telephone contacts and field surveys, jurisdictions needing coverage are identified, appropriate numbers and locations of observers are determined, and the Office of Personnel Management is contacted to work out the appointment and deployment of observers. The program's attorneys assist the observers and coordinate their activities and information on election day.

The program also encourages the ultimate goal of voluntary compliance with federal civil rights voting laws by remaining available to confer with other elements of the Federal Government, such as the Federal Election Commission, the Department of Defense, and the Bureau of the Census, and with individuals and associations of state and local election administrators, such as Secretaries of State and county clerks, regarding their concerns about the impact of federal law and regarding the Department's position with respect to the impact and requirements of federal law.

Accomplishments and Workload: The accomplishments of this program are presented in the following table:

Item	Estimates			
	1981	1982	1983	1984
Defensive Litigation.....	10	13	10	16
Offensive Litigation.....	105	95	80	120
Section 5 Sub. Received.....	2,001	2,931	2,100	2,550
Cases Closed.....	15	25	25	25
Matters Terminated.....	140	6	25	65
Section 5 Sub. Processed.....	2,001	2,931	2,100	2,550
Cases Filled.....	10	13	16	21
Matters Received.....	64	42	-	90

To better develop future participation in vote dilution cases a special team of attorneys was created in September 1982 for this litigative effort within the Voting Program and, at the same time, staffing changes were made to enhance the vigorous overall litigation program of enforcing the VRA. Accompanying these organizational steps was a clarification of the responsibilities of the senior attorneys in the program to better coordinate the program's enforcement activities, especially in the enforcement of the Act's prohibition of the use by jurisdictions of voting changes that have not met the preclearance requirement of Section 5. Throughout the year, the program was able to continue its effective review of the extraordinary number of Section 5 changes that were received by augmenting its review and records staff with persons detailed from other offices in the Department and with persons from outside the Department who were obtained at little or no cost through the program's aggressive participation in internship and stay-in-school programs. In addition, the efficiencies previously achieved by transferring paper files to microfiche for incoming submissions under Section 5 were expanded by the transfer, begun in the last quarter of the year, of all past Section 5 submission files to microfiche.

The Voting Rights Act, particularly in 1982, during 1982. Of these cases, six focused on the question of whether statewide redistricting plans denied or abridged the right of minorities to vote in California, Georgia, Mississippi, New York, and Texas; one attacked the redistricting for the city council in Chicago; two sought to enforce objections under Section 5 in local jurisdictions; two opposed changes to at-large elections in South Carolina counties; and, two involved attempts by individual counties to terminate the coverage under the special provisions of the VRA. Over 2,900 submissions of more than 13,300 voting changes were received under Section 5 of the Act, more than in any previous year of the Act's existence, and 41 objections were made to submitted changes including 15 objections to 24 statewide redistricting plans. A total of 799 federal observers were assigned to five elections in three states, including the largest number of observers ever assigned to a single election in the State of Alabama. In addition, 139 persons were listed (registered) by federal examiners who were appointed to two counties in Georgia, the first time since 1975 that federal examiners have been used to register voters under Section 7 of the Act.

During the year, eight invitations were accepted to speak about the operation and enforcement of the VRA to groups of local election officials and to civil rights organizations in seven states, including addresses by Assistant Attorney General Reynolds to the annual conventions of People United to Save Humanity and the Southern Christian Leadership Conference.

In 1983, enforcement of the VRA through litigation is projected to be more effective. The enhancement of the Voting Program litigation staff, and administrative actions to better focus and coordinate the litigation enforcement program are expected to result in a higher rate of participation in lawsuits as plaintiff than was true in 1982 (2 of 13 suits) while the total number of cases is expected to increase. Greater efficiency is expected in handling and closing matters through modifications already planned in the computerized records system. In addition, the need for modifications in the computerized records system for Section 5 submissions will be reviewed, and modifications will be implemented where appropriate based on the analysis and recommendations of a study which is being completed by the General Accounting Office.

Program Changes: An additional 12 positions and \$384,000 are requested for the Voting Program for 1984.

The hearings on the 1982 extension of the VRA demonstrated the concern of Congress over counties whose procedures impede blacks' ability to register to vote, situations the Division can seek to remedy by the appointment of federal examiners and by lawsuits only after program attorneys conduct extensive investigations and write detailed recommendations. The hearings also demonstrated the concern of Congress over counties that impede minorities' ability to be treated fairly when they cast their ballot, situations the Division can prevent through the appointment of federal observers only after its attorneys conduct pre-election field surveys and are available for assignment to the county immediately before, during and after the day of election. The amendments themselves recognize the importance of these functions by allowing counties to bail out only if no such activity has occurred in the past 10 years.

The amendments, in revising Section 2 of the VRA, also put primary emphasis on the importance of dilution lawsuits brought to enjoin the continued use of invidiously discriminatory methods of election. Each of these lawsuits require weeks of investigation and preparation, months of pretrial discovery by a litigative team, and weeks of trial and post-trial work. It has not been unusual for a single attorney to spend an entire workyear on just two such cases.

The requested funding level will provide the program with sufficient resources to achieve its major objectives commensurate with the goals expressed by Congress and the Administration. Responses to Section 5 submissions will be made more expeditiously where justifiable expedition is requested by jurisdictions; declaratory judgment actions under Section 5 will be

litigated with the views of and proof by the United States fully presented; Section 5 enforcement suits will be brought where the necessity for federal action is clear; federal observers will be employed in those situations where a federal presence is determined to be required (most primary elections will occur in 1984); the need for federal registration will be investigated in those instances where the initial facts demonstrate that a violation of the VRA is likely; obvious procedural impediments to the exercise of the franchise by minority and overseas citizens will be litigated where such action will be most effective; and methods of election that invidiously discriminate against minorities will be challenged in dilution suits against jurisdictions that resist nonlitigative attempts to alter such methods of election.

Factors such as the number of jurisdictions that choose to file suit against the United States, and the appearance of unique legal issues and/or unusually complex factual situations in pending lawsuits, will continue to impact on the program's ability to employ resources to initiate new actions. However, insofar as possible, these factors have been considered in the estimates of the program's ability to make significant progress toward accomplishing its objectives. The performance level required in 1984 and future years will be achieved by the addition of 12 positions (five attorneys, five paralegals and two clericals) to the litigation component.

	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease	
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY
General litigation.....	66	67	\$3,002	66	67	\$3,194	66	67	\$3,194	...	...

Long-Range Goal: To eliminate segregation in districts formerly operating dual school systems and reduce, in substantial measure, the need for court supervision of public elementary and secondary school desegregation in these districts; make substantial progress in eliminating unlawful segregation and discrimination in public schools in districts where there is no history of a statutorily required dual system; eliminate continuing denials of equal educational opportunities in public school systems; eliminate discrimination in and/or denial of educational opportunities to Native Americans; eliminate the vestiges of unlawful, racially dual systems of higher education; assist the Department of Education (ED) in enforcing assurance of compliance with civil rights laws, such as Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973, as amended; eliminate a significant portion of the illegal discrimination and racial segregation in housing opportunities; and eliminate a significant portion of the illegal discrimination in credit transactions and secure general compliance with the Equal Credit Opportunity Act (ECOA) and its implementing regulations.

Major Objectives:

To initiate, or participate in, litigation designed to bring about the orderly desegregation of the schools pursuant to Title IV of the 1964 Civil Rights Act.
 To seek supplemental relief designed to eliminate the vestiges of racially dual school systems and to achieve compliance with constitutional requirements. Such relief in southern school districts will lead to the elimination of the need for judicial supervision of many of these school districts.
 To participate in litigation, involving educational institutions, designed to eliminate denial of equal protection of the laws on account of sex.

to file lawsuits, upon referral from ED, to enforce nondiscrimination assurances made by educational institutions receiving federal funds.

To defend ED against court challenges to its authority to enforce civil rights assurances by federal recipients through the administrative process.

To initiate litigation to secure equal educational opportunities for students in public school systems and educational institutions receiving federal financial assistance without regard to race, color, national origin, or sex.

To investigate compliance and initiate litigation to enforce the Fair Housing Act and the EDOA, monitor final court orders resulting from such suits, and move for contempt of court or other relief where the facts warrant.

To initiate litigation, upon referral from the Department of Housing and Urban Development (HUD), to remedy local governmental bodies' noncompliance with their housing-related obligations under the 1974 Housing and Community Development Act.

To communicate equal housing and credit opportunity information to the public by liaison with federal, state, and local enforcement agencies and private civil rights and fair housing groups.

Base Program Description: The major objectives of the program are accomplished with assistance from local U.S. Attorney's Offices and the Federal Bureau of Investigation. The work of this program regarding school desegregation requires coordination with the Office for Civil Rights (OCR), ED. In defensive cases, coordination includes securing litigation reports from the client agency, joint planning of litigation strategy, mutual review of pleadings and other papers, and supervision of agency personnel on those occasions when they appear in court. Coordination with the Civil Division is necessary from time to time to ensure uniformity in defensive cases handled by both divisions. When education matters might be referred to the program, advance planning with OCR is undertaken to ensure that cases referred are worthy of litigation. One element of coordination that is now missing is a long-range planning process whereby OCR could estimate the number and kinds of referrals they would expect to make two or three years in the future. An effort is being made to develop a system for obtaining and handling Title IX referrals from OCR.

For work regarding discrimination in housing and credit, program activities must be coordinated with HUD, the Federal Reserve Board, the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, the Federal Trade Commission (FTC) and the National Credit Union Administration (NCUA). HUD's responsibilities under the Fair Housing Act include the investigation and conciliation of individual complaints alleging prohibited discrimination. HUD also refers certain matters to this program that they believe merit consideration under our pattern and practice jurisdiction. Coordination with HUD is thus required so that a sound and consistent policy may be developed in the interpretation of the Fair Housing Act and in the types of relief that are appropriate for victims of the prohibited discrimination. Coordination with the agencies responsible for overseeing the operations of creditors is necessary to obtain information about patterns and practices of discrimination and to avoid duplication of enforcement effort. Coordination is further required with those several state and local civil rights agencies that have jurisdiction under local law to seek to prevent the types of prohibited discrimination covered by federal law. Current and planned mechanisms include an exchange of information among program staff, HUD, and other agencies that have Fair Housing Act and EDOA responsibilities.

At this level of funding, program resources will be expended primarily to litigate existing cases and to move for supplemental relief in cases previously decided, when necessary.

The program will initiate two or three cases designed to eliminate denials of equal educational opportunities in metropolitan areas when such denials are caused by state action in housing, zoning, or land use discrimination. The program's ability to participate in cases including alleged denials of the equal protection of the laws on account of sex or discrimination against

handicapped students will be addressed as resources permit. All of these fields are relatively new in the development of civil rights law and each requires a considerable amount of pre-suit preparation and research.

Approximately 40 percent of the housing and credit matters brought to the program's attention, which appear to be in violation of federal law will be investigated, and, if necessary, litigated. However, the investigation and litigation of matters involving redlining by mortgage lenders and insurance companies will only be handled as resources become available. The initiation of investigations in the housing and credit fields depends on the expenditure of extensive resources to determine whether the law has been violated. As current matters are completed, resources will be directed toward the initiation of new investigations and the development of new cases. In addition, some field surveys will be conducted in the expectation of generating some additional suits.

Accomplishments and Workload: The accomplishments of this program are presented in the following table:

Item	Estimates		
	1981	1982	1984
Cases/Matters Received.....	900	600	730
Investigations Conducted.....	245	200	200
Matters Closed.....	80	143	345
Cases Brought.....	12	4	18
Judgments/Decrees Obtained.....	15	14	20
Cases Closed.....	11	13	110

During 1982, modifications were made to the program's computerized workload reports. These changes will enable managers to make fast and accurate calculations of time spent on the major activities within the program.

The program staff represents the United States in school desegregation suits throughout the nation. The majority of the suits, involving over 500 school districts, to which the U.S. is a party involve elementary and secondary schools in southern states. In these cases the program continues the job of seeking full compliance with the laws requiring desegregation. Cases involving illegally segregated public schools in urban areas of the south and in northern and western states are continuing an increasingly large share of our resources. The demand on program resources will continue and increase as new and innovative methods are sought to remedy this problem. Other major areas of school litigation are the elimination of discrimination on account of sex in programs administered by educational institutions and the desegregation of institutions of higher education.

During 1982, the education activities of the program focused primarily on pursuing pending school cases. Extensive effort to work with local elementary and secondary school officials to formulate effective desegregation plans and modifications of existing plans led to the successful resolution of issues in several longstanding cases.

The court of appeals approved a stipulated desegregation plan for Fort Arthur, Texas. Consent decrees modifying orders were entered in cases involving Gadsden County, Florida; Pointe Coupee Parish, Louisiana; Scott County, Mississippi; Omaha, Nebraska; and, Kansas City, Kansas. In another suit, a consent decree was negotiated after the court found that the Bator County, Texas, school system was unconstitutionally segregated. Also, the district court made minor changes suggested by the

except an and accepted a new student assignment plan for middle schools proposed by the school board in East Baton Rouge Parish, Louisiana. Similarly, discussions among the parties, including the program, resulted in the entry of a consent decree which establishes a procedure for education experts to make recommendations and for a committee of parents and citizens to propose changes that would further school desegregation in Mobile, Alabama. The program successfully defended a district court order requiring the Phoenix Union High School District to make certain records available to ED so that it could complete a Title VI investigation concerning student assignment practices. In other defensive litigation, the appellate court denied a petition for mandamus which sought relief from a district court order requiring the parties to keep settlement discussions confidential in the East Baton Rouge Parish school suit. A consent decree was negotiated to desegregate two state-run colleges in Louisiana and an agreed-upon order was entered requiring the implementation of a comprehensive program to ensure equal opportunity for men and women to participate in intercollegiate athletics at the University of Alaska. In addition, consent decrees were approved to desegregate six junior colleges in Mississippi and a trial on the merits was commenced in a suit which alleged that the admission practices of the Massachusetts Maritime Academy discriminated against women.

The Division filed two new housing discrimination cases in 1982 and settled three Fair Housing Act suits in that period. After trial, a favorable decision and remedial order was obtained in a Michigan case where the court ruled that a city in suburban Detroit had violated the Fair Housing Act by blocking the construction of low-income family and elderly housing because of racially motivated citizen opposition to it.

In 1982, the Division continued its enforcement efforts under the BOA by negotiating a consent decree in a redlining suit brought under both the credit and housing statutes. This settlement provides comprehensive injunctive and affirmative relief to ensure that persons living on American Indian Reservations in Arizona would not be denied mortgage loans because the property interest involved reservation land, and that the credit evaluation of Indians applying for non-housing loans would be fairly assessed. The first trial on the merits of a government-initiated credit case was held and, to date, no decision has been announced. The program also proposed and obtained approval to file a suit alleging that the nation's third largest small loan company is unlawfully discriminating on the basis of sex and marital status.

	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease	
	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY
Federal enforcement.....	61	62	\$2,918	61	62	\$3,099	61	62	\$3,099	...	...

Long-Range Goal: To substantially reduce discrimination in employment by state and local governmental units and private federal contractors, and to substantially eliminate discrimination in the administration of federally assisted programs.

Major Objectives:

- To eradicate unlawful employment discrimination.
- To develop the legal principles necessary to create a nationwide climate where voluntary compliance with laws and orders against discriminatory employment practices can be achieved.
- To monitor and enforce existing court orders to ensure compliance so that the results sought by litigation are obtained.
- To enforce, through Division-initiated litigation, Titles VI and VII in the public sector.

To issue right-to-sue notices based on referrals from the Equal Employment Opportunity Commission (EEOC).
 To litigate in both the public and private sectors based on referrals from the EEOC, the Office of Justice Assistance,
 Research and Statistics (OJARS), the Office of Federal Contract Compliance Programs (OFCCP), and the Office of Revenue
 Sharing (ORS).
 To cooperate with attorneys and private litigants by intervening or by participating as amicus curiae in private suits when
 the Federal Government's position is important to the development of case law.

Base Program Description: This program investigates and, when necessary, initiates litigation with respect to problems
 peculiar to discrimination in employment and services. In the area of fair employment practices, all suits, whether in the
 public or private sector, seek to remedy all forms of systemic discrimination such as those that result from restrictive
 seniority and transfer systems superimposed upon the patterns of initial discriminatory assignments and exclusion; the use
 of unvalidated tests and other selection and promotional practices and standards which have disproportionate adverse impact
 upon racial, ethnic, and religious minorities and upon females; abuses of managerial discretion; and discriminatory training
 systems and programs. Major elements of relief sought include: reformation of seniority and transfer systems, restructuring
 of lines of promotion, numerical recruitment goals for minorities and females, validation of tests and other selection and
 promotional practices, elimination or change of other employment practices having unnecessary discriminatory effects and
 back pay. The Division is currently seeking new and innovative methods to remedy the problem of employment discrimination.
 Litigation conducted by the program is concluded by consent or litigated decrees. Trials frequently exceed four months in
 length. The program is also involved in an analysis in various communities of their federally funded services to determine
 if there is discrimination in violation of Title VI. Where such discrimination is found, the program is prepared to initiate
 litigation when negotiation does not result in voluntary compliance. The centralization of this effort within this Division
 provides national coordination of activities among EEOC, OJARS, OFCCP and ORS.

At this level of funding, major existing decrees and present litigation will be handled. The program will become involved
 in those cases in which the United States is a defendant. Approximately two new cases will be filed. Referrals by EEOC and
 other agencies for litigation will be handled as resources permit. New investigations will be initiated at the 1983 level.

Accomplishments and Workload: The accomplishments of this program are presented in the following table:

Item	Estimates		
	1981	1982	1983 1984
Agency Referrals.....	423	548	550 550
Investigative Matters Received.....	15	15	15 15
Cases Commenced.....	32	8	15 14
Right-to-sue Notice Requests Received.....	1,250	1,250	1,250 1,250
Matters Terminated.....	305	433	450 450
Cases Terminated.....	25	2	20 20
Decrees Obtained.....	19	16	12 14
Decrees Enforced.....	68	113	118 123
Right-to-sue Notices Issued.....	4,071	3,774	1,250 1,250

During 1982, the increased use of word processing equipment and computer analyses has allowed the program to maintain its ability to prosecute additional suits, notwithstanding its decreased staff. The use of word processing equipment and litigation support systems has increased the program's productivity as well as the quality of its work, resulting in more efficient use of resources. In addition, the program initiated a conversion to a computer-assisted method for issuing right-to-sue letters which will increase efficiency in producing such letters, reduce the time for issuing them and improve our ability to respond to inquiries about them.

This year saw the implementation of the Departmental change in policy with respect to relief in employment discrimination cases. The new policy places emphasis on enhanced recruitment, including recruitment goals where appropriate, nondiscriminatory selection and appointment, and relief for victims of discriminatory practices including back pay and priority job offers. The new policy eschews any reliance upon quotas or ratios or other numerical formulas which require or encourage preference based upon race, sex or national origin to persons who are not victims of prior discriminatory employment practices.

During the year, the program filed six new systemic suits against state and local government employers alleging a pattern or practice of discriminatory employment practices in violation of the federal equal employment opportunity law and obtained 16 consent decrees in those and previously filed cases. One of the new suits was against a community college and embodies the program's first allegation of a pattern of discrimination on the basis of sex in promotion, pay and assignment against such an institution. The consent decrees embodied the new Departmental policy described above. A consent decree involving the County of Fairfax, Virginia, provided \$2,750,000 in back pay and other relief to 686 black and female applicants for hire or promotion who had been denied job opportunities under the earlier employment practices of the defendant. The back pay awards constituted the largest amount of back pay ever obtained by the program in a suit against a state or local government employer. Other major consent decrees were obtained with the Nassau County, New York, police department, one of the largest municipal police departments in the country; three state police agencies; and, two large suburban school systems. All of the decrees provided for enhanced recruitment, removal of artificial barriers and nondiscriminatory selection, and two of them (Nassau and Virginia) provided for substantial back pay and priority job offers for persons identified by the Government as victims of discriminatory practices.

	1983 Appropriation Anticipated			1984 Base			1984 Estimate			Increase/Decrease	
	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY
Coordination and review.....	39	42	\$1,850	39	42	\$1,972	39	42	\$1,972	...	...

Long-Range Goal: To achieve consistent and effective enforcement of various laws and regulations prohibiting discriminatory practices in federal programs and programs receiving federal financial assistance; maximize use of existing federal, state, and local civil rights enforcement resources; stabilize the costs associated with federal civil rights programs while maintaining the level of responsiveness to citizens who feel that their civil rights have been violated; and, eliminate all regulatory, procedural and statutory barriers which unfairly preclude women from receiving equal treatment from federal activities.

Major Objectives:

To maintain continuing oversight and control of all Executive agencies covered by Executive Order 12250.

To identify all federal laws, regulations, policies, and practices which unjustifiably discriminate, on the basis of sex, and develop options for the Attorney General to remedy the identified differences.

To maintain continuing liaison with other legal divisions, the U.S. Attorneys offices, the Civil Division, other programs of the Civil Rights Division and other federal agencies regarding civil rights litigation; and issue required legal guidance or policy interpretations.

To review, evaluate and monitor all implementation plans submitted by Executive agencies.

To amend the Department of Justice's Coordination Regulations to reflect the Department's new authority and responsibilities and provide procedural guidelines in the form of subparts to those regulations, for Section 504 of the Rehabilitation Act of 1973, as amended, Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and the non-discrimination provisions of grant statutes.

To identify all existing and proposed rules, regulations, and orders of general applicability issued under a statute subject to the Executive Order that are inadequate, unclear, or inconsistent, and notify the agencies of necessary revisions.

To issue consistent standards and procedures for taking enforcement action and for conducting investigations and compliance reviews.

To establish uniform recordkeeping and reporting requirements and provide model management information systems for Executive agencies.

To issue guidelines for cooperative enforcement programs with state and local agencies, including sharing of information, deferring of enforcement activities, and providing technical assistance.

Base Program Description: This program operates a comprehensive coordination effort covering those Executive agencies identified as administering assistance activities subject to Executive Order 12250 and addressing those civil rights issues necessary to ensure consistent and effective enforcement of the statutes subject to this Order. The main activities which support this approach include furnishing interagency liaison and reporting mechanisms; conducting interagency surveys to evaluate agency civil rights compliance and enforcement programs; reviewing all existing and proposed regulations subject to Executive Order 12250; and, providing technical assistance, training and litigation support.

At this level of funding, the Coordination and Review Program will be able to address adequately the responsibilities assigned to the Attorney General by Executive Order 12250. Accomplishment of many of the objectives mandated by the Executive Order are not discretionary; therefore, available resources will be allocated among those objectives first. The program will be able to handle the growing demand from agencies for legal guidance. In addition, some discretionary objectives (e.g., provision of technical assistance, training sessions and conducting in-depth reviews of agency programs) will be possible. This may minimize criticism from GAO, the public interest bar, and the special interest community (e.g., handicap organizations).

Accomplishments and Workload: The accomplishments of this program are presented in the following table:

Item	Estimates		
	1981	1982	1983 1984
Litigation Documents Prepared (e.g., Pleadings, Briefs, Interrogatories, etc.).....	12	40	44 48
Guidance/Interpretation Prepared.....	26	152	88 95
Technical Assistance Provided.....	738	790	997 1,152
Regulations Reviewed.....	25	76	61 52

Item	Estimate			
	1981	1982	1983	1984
Non-regulatory Documents Reviewed.....	78	161	173	173
A-11 Analysis.....	25	27	27	27
Responses Provided Citizens.....	101	1,387	10,000	10,000
Guidance Documents Issued.....	10	37	72	72
Interagency Survey Reports Issued.....	3	...	1	2
Delegation Agreements Signed.....	1	...	10	19
Training Sessions Provided.....	31	21	37	41

The program has recently reviewed for substantive legal and policy considerations and approved for publication in the Federal Register agency regulations for the National Endowment for the Arts, the National Science Foundation, and the Departments of Agriculture, Commerce, Defense, Education, Interior, and Transportation. It reviewed and provided comments on an additional 14 proposed agency regulations including proposals from the Departments of Transportation, Health and Human Services, Housing and Urban Development, Agriculture, the Civil Aeronautics Board, the General Services Administration, the Small Business Administration, and the Veterans Administration. The program is reviewing existing agency regulations against a listing of "generic" civil rights regulatory issues and against listings of specific issues related to each individual statute to ensure governmentwide consistency, clarity and adequacy, as required by Executive Order 12250.

During 1982, the program participated in the drafting of over forty amicus briefs, appellate briefs, petitions for writs of certiorari, affidavits and other pleadings. Issues included the obligation of the Federal Government and recipients of federal financial assistance to accommodate handicapped persons in their programs, the extent to which various educational grant and loan programs impose federal civil rights obligations on the programs of educational institutions, and the obligation of Executive agencies to issue regulations concerning discrimination based on handicap in federally conducted programs.

Other issues handled by the program during 1982 included employment coverage under Title IX and Section 504, Indian housing policy, the Federal Government's obligation to provide interpreters for the deaf, whether Title IX covers codes of personal appearance, applicability of civil rights statutes to block grants, the withholding of life-saving treatment to handicapped newborn children, and redefining "federal financial assistance" and "program or activity".

The program developed proposed coordination regulations which specify the enforcement obligations of federal agencies. The proposed regulations provide procedural guidance for federal enforcement of nondiscrimination laws for federally assisted programs and substantive guidance (in several initial subparts) for Section 504 (both federally assisted and federally conducted programs). As required by the Executive Order, the Division developed an implementation plan for its coordination and review function which outlined short and long-range goals, priorities and plans. Guidelines for similar plans to be developed by federal agencies were issued. Twenty-four agency implementation plans have been received, reviewed and approved. These plans set forth agency goals and priorities with respect to major functions of an operational civil rights program (e.g., preaward and post-award reviews, complaint investigations, regulatory and policy developments, etc.) and detailed specific activities to be undertaken in support of these functions. To help assure the economical operation of agencies' civil rights programs, the program reviewed final A-11 budget submissions from 27 agencies.

A Management Information System has been developed to assist the program in meeting its mission of eliminating discrimination against protected classes in programs receiving federal financial assistance and in federally conducted programs. In 1982,

the computerized system became operational and is used to track all incoming and outgoing correspondence and to serve as a "tickler" to remind staff of due dates and to note any reasons for delay. The coding scheme used to identify documents in the system has been adapted to provide the framework for an improved filing system for the program. During 1983, the system will be refined to interface with the Division's automated time keeping system to associate staff time with the activities of the program. This will improve the program's responsiveness and assist management in better utilization of staff.

	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease	
	Perm.	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Perm.
Management and administration.....	61	75	\$4,149	60	72	\$4,358	60	72	\$4,685	...	\$327

Long-Range Goal: To reduce incidence of illegal discrimination in the nation through provision of guidance and definition of the Civil Rights Division's mission and priorities; provide to the public such access to Division records as is permissible under controlling law; provide to the enforcement and regulatory activities of the Division all the necessary executive direction, administrative support, training, and operational support required to enable the programs to substantially reduce discrimination in all subject areas enforced; and, improve and maintain, more cost-effective systems support and equipment to allow increased efficiency and work per employee.

Major Objectives:

To evaluate policies, procedures and systems; anticipate the workload, as well as resource and time expenditures of the programs; and, to develop and implement plans for changes which would render them more efficient, effective and responsive to constituent concerns.

To coordinate the Division's enforcement activities appropriately with related activities of other components of the Department and other enforcement agencies.

To participate effectively in Departmental, Executive Branch and governmentwide efforts to clarify or strengthen jurisdiction and authority and to establish or improve policies and procedures which govern litigation, administrative enforcement and program operation.

To establish and maintain relationships with public interest groups, members of Congress and other constituent representatives which permit constituent concerns to be communicated to the Division and Division activities to be explained to constituents' representatives.

To handle important civil rights cases which, either because of their size or complexity or because of their legal novelty cannot be readily handled by the litigating programs.

To answer Freedom of Information Act (FOIA) requests within 10 days and Privacy Act (PA) requests within 20 days; minimize the number of appeals from denials of records requests by adhering to a standard of maximum disclosure permissible under controlling law; and, assist the Civil Division and U.S. Attorneys defending the Department in litigation arising from the denials of FOIA requests and out of cases and matters of historic interest on which the Department file is closed.

To provide cost-effective and responsive management and automation systems capabilities to address management, administrative and litigative requirements.

To review, analyze and respond (on behalf of the Assistant Attorney General) to letters, memoranda and other communications directed to the Division by the White House, Congress, other federal departments, private corporations and citizens; and issue Criminal Non-prosecution Notices to government and private sector organizations and to citizens as appropriate.

To provide all of the needed administrative support necessary to enable Division personnel to enforce federal civil rights laws, including the following administrative activities: budget formulation and execution; personnel services and training; library services; mail distribution; outside contracts and procurement; space management; supply, equipment and reproduction services; and other support not specifically defined in other programs.

Base Program Description: The first five objectives reflect the direct responsibilities of the Assistant Attorney General for Civil Rights, the Division's three Deputy Assistant Attorneys General, the Executive Officer and their immediate staffs. As a general rule, supervisory responsibility over matters involving investigative and litigation strategy, relations with the FBI, and preclearance of changes in localities' voting practices and procedures is divided among two of the Deputy Assistant Attorneys General for action or oversight; matters involving long-range program planning and evaluation or relations with U.S. Attorneys, other components of the Department, other agencies, the Congress and some public interest groups are generally assigned to the third Deputy Assistant Attorney General; and, matters involving finance and support services are assigned to the Executive Officer for action or oversight. The Executive Officer is the manager of the Administrative Services Unit of the program. The Assistant Attorney General also represents the Attorney General on interagency councils concerned with civil rights issues. In that connection, he serves as chair of the Interagency Coordinating Council established by Section 507 of the Rehabilitation Act of 1973, as amended, and as a member of the Architectural and Transportation Barriers Compliance Board established by Section 502 of that Act. The Assistant Attorney General personally approves case filings, interventions and amicus participations, major investigative undertakings, major enforcement motions, novel legal positions, major consent decrees, and closings of investigations of death cases. Personnel matters are considered jointly or are assigned on an ad hoc basis.

The sixth objective is assigned to the FOIA/PA Unit, which reports to the Principal Deputy Assistant Attorney General on legal matters and to the Executive Officer on operational matters. The Executive Direction and Control Unit of the program is organized to handle responsibilities which cut across the responsibilities of all of the other programs of the Division. Through this structure, the Division is able to use consistent standards and procedures in responding to FOIA/PA requests, to ensure that the most sensitive, complex or massive cases are handled by the most senior trial attorneys, and to weigh and balance personnel, resource and support needs of the Division's programs. Coordination and interaction with other components of the Department, other agencies, the Congress and public interest groups are either handled by Division officials directly or are delegated to personnel in other programs and reported to Division officials to assure consistency and effective coordination on program and operation issues.

The remaining objectives are handled by the Administrative Services Unit of this program.

The Division's systems support capability is designed to improve program planning and evaluation, caseload management and resource allocation in the litigating and management programs. In addition, the increasing complexity of the cases handled by the Division has required an expanded systems support capability to provide for more efficient litigation fact development. One centralized office within the Division is utilized to put together the skills and capabilities required for effective analysis, design, implementation and operation of systems involving advanced equipment and procedures, particularly where Electronic Data Processing (EDP) is an integral component of the final service.

The administrative and training functions are conducted through a centralized operation rather than by having individual programs furnish their own services. This avoids position duplication, permits flexibility for the use of resources, and provides greater management control.

Accomplishments and Workload: The accomplishments of this program are presented in the following table:

Item	Estimates		
	1981	1982	1983
FOIA Requests Pending from Previous Year.....	121	149	173
FOIA Requests Received.....	254	149	222
PA Requests Pending from Previous Year.....	112	199	229
PA Requests Received.....	327	225	227
FOIA Requests Processed.....	226	125	270
PA Requests Processed.....	240	237	180
Correspondence Received, Classified and Delivered.....	96,100	97,000	100,000
Citizen Complaint Responses Prepared.....	43,000	50,000	45,000
Administrative Support Correspondence Documents Prepared.....	3,800	4,000	4,000
White House/Congressional Replies Controlled.....	1,200	1,100	1,100
Criminal Non-prosecution Notices Processed.....	13,100	11,200	11,200
New Files Created.....	3,500	3,600	3,600
File Storage Requests Filled.....	6,000	6,000	6,000
File Retrieval Requests Filled.....	3,600	3,600	3,600
Management Information Systems 1/.....	25	30	40
Management Information Reports 2/.....	400	450	500
Litigation Support Projects 3/.....	8	10	12
Litigation Support Reports.....	170	160	33
			450

There is no meaningful way by which the workload of program and operational planning, direction, control and evaluation activities can be measured. These management activities are by nature non-quantifiable and are best measured by the performance of the other programs which are managed by this one. However, the Division is in the process of implementing a management information system which will assist Division managers in measuring, in a more efficient statistical fashion, the inputs, outputs and performance of the other programs.

Quantitative data concerning the workload of the FOIA/PA Unit is based on the actual number of requests pending, received and processed in full in 1981 and 1982. The number of FOIA/PA requests is leveling off and may, in fact, be declining. Since there is insufficient data to enable the program to determine if the apparent decline indicates a permanent change, projections are based on the average number of requests received and processed over the last three years. Projections for the number of requests expected to be processed are based on the assumption that the program will be able to continue to utilize temporary and part-time law clerks in its operation.

1/ Systems--Prepared for repetitive use (changes in data base and programs--user purpose remains consistent).

2/ Reports--documents prepared by computer generated information.

3/ Projects--One time (known objective--cost and personnel required more easily determined).

In 1981, the Division entered the Department's Financial Management Information System (FMIS). FMIS has provided the Division with an effective, comprehensive tool for the management of the Division's budget execution program. In 1982, the system was reprogrammed to include budget formulation figures. The Division is currently working with Department staff members to try to integrate its in-house travel system with FMIS.

The program has several direct mission responsibilities in the law enforcement area that are in addition to the usual support activities. These include the direct handling of thousands of citizen complaints and requests for information concerning their rights, and also in the handling of Criminal Non-prosecution Notices. Correspondence received has included complaints/requests involving the Atlanta slayings, violence against minorities, the extension of the Voting Rights Act, and the slayings in Miami, Florida which set off extensive civil disturbances.

Litigation management and resource control information is now available at terminals in all programs and management offices in an on-line interactive mode. This provides more complete and current information than the former manual paper report methods. In addition, the systems support staff has processed information from thousands of documents, and their equivalent on computer tapes, for direct use in investigations and trials. Control of case workload and priorities is now possible on a more detailed and current basis. Personnel have been trained in keeping the data bases up to date and in the techniques of search and retrieval of information on demand. In 1981, the initial programming for the Division's Correspondence System was completed and training and implementation began in 1982. The increasing demand for litigation systems support may well exceed our remaining capacity by the end of 1983.

Program Changes: An increase of \$127,000 is requested for 1984 for more effective utilization of in-house systems support capabilities, funds for new systems and funds to permit work which cannot be performed in-house to be contracted to outside firms. The ADP system currently in place in the program is severely constrained due to a lack of adequate disk storage devices. The procurement of two dedicated disk drives will enable the program to increase its in-house productivity and to more effectively use the equipment it now has. This will increase litigation systems support to the extent that it will enable the program to provide support to 50 percent of the cases/matters requiring it and will permit the development and implementation of systems which will enhance the productivity of the entire Division. These systems will enable the Division to handle large amounts of information. The Division plans to procure additional office automation equipment which will result in more effective usage of existing resources. Tremendous success has been achieved through the use of the microform equipment designed and placed in the Voting Program during 1980. The system has made a significant impact on productivity and efficiency. As a result of these improvements, the Division is requesting funds to design and implement additional microform systems, as well as to update the existing one.

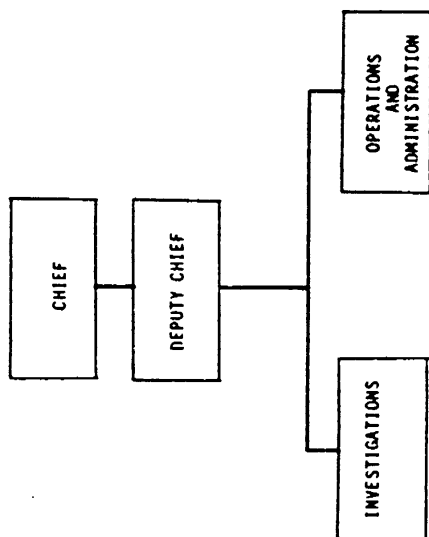
Civil Rights Division
Salaries and expenses, General Legal Activities
Priority Rankings

<u>Base Program</u>		<u>Program Increases</u>	
<u>Program</u>	<u>Ranking</u>	<u>Program</u>	<u>Ranking</u>
Civil Rights Prosecution	1	Civil Rights Prosecution	1
Voting	2	Voting	2
Coordination and Review	3	Management and Administration	3
Management and Administration	4		
Federal Appellate Activity	5		
Federal Enforcement	6		
General Litigation	7		
Special Litigation	8		

Civil Rights Division
Salaries and expenses, General Legal Activities
Financial Analysis - Program Changes
(Dollars in thousands)

Item	Civil Rights Prosecution		Voting		Management & Administration		Total	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades								
GS/GM-15.....	1	\$49	...	...	...	...	1	\$49
GS/GM-14.....	1	44	...	...	...	...	1	44
GS/GM-13.....	...	...	1	\$35	...	...	1	35
GS-12.....	...	...	1	29	...	...	1	29
GS-11.....	1	25	3	75	...	...	4	100
GS-7.....	...	...	5	85	...	...	5	85
GS-6.....	...	...	2	30	...	...	2	30
Total positions and annual rate..	3	118	12	254	...	...	15	372
Lapse (-).....	-1	-29	-3	-64	...	...	-4	-93
Total workyears and personnel compensation.....	2	89	9	190	...	...	11	279
Personnel benefits.....		9		19	...	...		28
Travel and transportation of persons.....		50		60	...	...		110
Transportation of things.....		...		1	...	...		1
Standard level user charges(SLUC)		7		26	...	...		33
Communications, utilities and other rent.....		3		18		\$21		42
Printing and reproduction.....		3		12	...	...		15
Other services.....		6		28	...	50		84
Supplies and materials.....		1		6	...	15		22
Equipment.....		6		24	...	241		271
Total workyears and obligations, 1984.....	2	174	9	384	...	327	11	885

INTERPOL - UNITED STATES NATIONAL CENTRAL BUREAU



INTERPOL - United States National Central Bureau

Salaries and expenses, General Legal Activities

Justification of Program and Performance

Activity Resource Summary
(Dollars in thousands)

Activity:	1983 Appropriation		1984 Base		1984 Estimate		Increase/Decrease	
	Pos.	WY Amt.	Perm. Pos.	WY Amt.	Perm. Pos.	WY Amt.	Perm. Pos.	WY Amt.
INTERPOL - United States National Central Bureau	6	\$1,140	6	\$1,459	6	\$1,459	...	...

Long-Range Goal: To facilitate international law enforcement cooperation as the United States liaison unit, on behalf of the Attorney General, to the International Criminal Police Organization (INTERPOL); to develop efficient and effective means of communication among domestic and foreign law enforcement organizations in order to combat sophisticated and violent crimes that transcend national boundaries.

Major Objectives:

To represent the United States with INTERPOL, on behalf of the Attorney General as the United States member of INTERPOL.

To transmit, in a timely manner, information of a criminal justice, humanitarian, or other law enforcement-related nature between National Central Bureaus of INTERPOL member countries, and law enforcement agencies within the United States and abroad, and respond to requests by law enforcement agencies and, on a limited basis, other legitimate requests by appropriate organizations, institutions and individuals, as determined by the U.S. National Central Bureau and when in agreement with the INTERPOL Constitution.

To coordinate and integrate information for investigations of an international nature and to identify and analyze pattern and trends of international criminal activities.

To provide rapid communication with domestic law enforcement agencies via domestic teletype systems, computer systems, and interfaces with other systems; to create a vehicle for dissemination of information to the law enforcement community concerning international fugitives and missing persons, and to enhance and expand the INTERPOL - USNCB communications networks.

To increase awareness and education of the civilian and the domestic and foreign law enforcement communities regarding the function and availability of INTERPOL and the INTERPOL - U.S. National Central Bureau services.

To give increased attention to types of offenses which have lacked needed emphasis, such as international theft of art works and white collar crime.

To extend further the INTERPOL - USNCB's hours of operation, in order to alleviate some delays due to international time variances.

To establish a policy advisory group consisting of designees of the Departments of Justice and Treasury, and of the heads of the participating law enforcement agencies, to review and develop INTERPOL programs and practices.

Base Program Description:

The INTERPOL - U.S. National Central Bureau (INTERPOL - USNCB) addresses the problem of international criminal activity and the movement of international criminals and terrorists across borders, affecting law enforcement capabilities within the United States and in the 133 other foreign countries which are INTERPOL members. A major function of the INTERPOL - USNCB is to provide efficient communications between this country and other member countries and INTERPOL headquarters (the General Secretariat). The INTERPOL - USNCB makes available facilities which are the only direct means enabling the up to 17,000 eligible state and local police forces and, in many cases, the federal law enforcement agencies to obtain the assistance of the foreign law enforcement authorities.

The National Central Bureau of each INTERPOL member country operates within the guidelines of its national laws and the INTERPOL Constitution, which specifically prohibits member countries from intervention in, or activities or investigations of, matters of a military, religious, racial or political character.

The requests for investigations received by the INTERPOL - USNCB includes a broad range of types of offenses, extending from serious crimes of murder, robbery, large-scale narcotics violations, large-scale fraud and counterfeiting, and the location and apprehension of international fugitives. Arrests and extraditions to the countries where the crimes were committed often are involved. Requests are also received for criminal history information and license checks, and humanitarian matters. INTERPOL and the INTERPOL - USNCB can assist foreign and domestic police departments in tracing license plates on vehicles believed to be stolen or involved in accidents. Through INTERPOL channels, weapons can be traced, witnesses can be located and interviewed abroad, and criminal record checks can be conducted on applicants for government-issued permits and licenses.

The objectives of the INTERPOL - USNCB are accomplished through collaborative efforts with other federal agencies, including primarily the Departments of Justice, Treasury, State, Agriculture, and the U.S. Postal Service. The INTERPOL - USNCB is unique in its personnel composition; it is a cooperative organization, staffed by members of law enforcement agencies. Pursuant to the agreement established between the Departments of Justice and Treasury in January 1977, as amended in May 1980, the positions of Chief and Deputy Chief rotate every two years from one Department to the other, although the INTERPOL - USNCB continues to represent the Attorney General as the United States member of INTERPOL, pursuant to Title 22, United States Code, Section 263a.

Traditionally, each participating agency has assigned a senior investigative agent as a case worker, and a support staff member to the INTERPOL - USNCB. Funding for salaries, training, travel and overtime for INTERPOL - USNCB personnel is supplied by the respective parent organizations. In addition, the Department of Justice provides six permanent full-time positions. The following federal agencies are represented in the INTERPOL - USNCB, by at least one investigative agent or management staff member, and support personnel:

- | | |
|---|--|
| Department of Justice: | Department of Treasury: |
| a. Drug Enforcement Administration | a. U.S. Secret Service |
| b. U.S. Marshall Service | b. Internal Revenue Service |
| c. Immigration and Naturalization Service | c. U.S. Customs Service |
| d. Executive Office for U.S. Attorneys | d. Bureau of Alcohol, Tobacco and Firearms |
| e. Information Services Staff,
Justice Management Division | |
| United States Postal Service: | United States Department of Agriculture: |
| a. U.S. Postal Inspection Service | a. Office of the Inspector General |

Annual dues paid by each member nation to the INTERPOL General Secretariat are assessed according to the country's level of development and its use of the INTERPOL services. The United States' dues amounted to \$401,606 for 1982; the U.S. dues were \$363,474 for 1981, and \$450,924 for 1980.

Transmission of information of a criminal justice, humanitarian, or other law enforcement-related nature between the National Central Bureaus (NCBs) of INTERPOL member countries, and law enforcement agencies within the United States and in 65 other countries, is through the INTERPOL radio network, centralized in the INTERPOL headquarters near Paris, France; and the International telex/cable facility in the INTERPOL - USNCB, for contacting those countries not connected to the INTERPOL radio network.

An additional telecommunications link was initiated during FY 1982, for installation during FY 1983. This equipment will enable the INTERPOL - USNCB to transmit and receive instantaneously facsimile copies of fingerprints, identifying photographs, criminal records, records of convictions, and other supporting documentation, needed in emergency situations by domestic and international law enforcement agencies for court proceedings and border protection operations. Avoiding problems of delays of receipt of such information will reduce the incidence of the release or flight of international fugitives.

The principal method for opening cases, and processing and tracking investigative requests is through the INTERPOL Case Tracking System (ICTS), an in-house computer system which functions as an index for the names of persons and organizations, and as a retrieval method for descriptive data relating to items of property connected with international criminal activity.

A secondary method for opening cases, and for processing and tracking investigative requests is through the Treasury Enforcement Communications System (TECS). Maintained by the Department of Treasury, TECS is accessible to the INTERPOL - USNCB for direct data entries into TECS and for searches into the data bases of participating Department of Treasury component agencies and other federal agencies (i.e., U.S. Customs Service; Bureau of Alcohol, Tobacco and Firearms; Internal Revenue Service; and, to a limited extent, the U.S. Coast Guard and the Department of State). Through TECS, information regarding fugitives and missing persons from the United States and INTERPOL member countries is made available to all United States border points. Since June, 1980, "International Red Notices," describing wanted persons, have been posted to all INTERPOL member countries.

Via the TECS lines, the USNCB can request information from the FBI's National Crime Information Center (NCIC) and Computerized Criminal History (CCH) data bases. Also available through TECS lines is information from 49 states on registered and stolen vehicles.

The National Law Enforcement Telecommunications System (NLETS) provides, through TECS lines, almost immediate teletype contact with virtually all 20,000 state and local police agencies throughout the country. The INTERPOL - USNCB's operation rely heavily upon communications through NLETS, transmitting or receiving over 1,500 messages per month.

Rapid communication with Department of Justice law enforcement agencies (e.g., the U.S. Marshals Service, the Immigration and Naturalization Service, and others) is provided by the INTERPOL - USNCB's link through the Department of Justice administrative communications system (JUST). Rapid narrative communication with the Department of Treasury law enforcement agencies is provided through the ADMIN system, over the TECS lines.

The INTERPOL - USNCB can access the Narcotics and Dangerous Drugs Information System (NADDIS), of the Drug Enforcement Administration (DEA), for record checks on individuals known for, or suspected of, involvement in narcotics.

The INTERPOL - USNCB also has access to the Department of State's Advanced Visa Lookup System (AVLOS), as well as to the Immigration and Naturalization Service's Master Index Files (MIRAF). The INTERPOL - USNCB and the Department of State began in FY 1982 to provide to the AVLOS system both International Red Notices, describing wanted persons and fugitives, and International Green Notices, requesting notification as to the subject individual's criminal activities and location. This enables both agencies to increase their protection of the United States borders from the entry of international criminals.

(Red notices contain specific requests for arrest with a view to extradition from some or all INTERPOL members, depending on existing treaties and the severity of the crime; in the United States, while national laws prohibit the arrest of the subject of a Red notice based upon the notice alone, the Red notice, as well as Green notices, may serve as the basis for exclusion of the subject from entry into the United States.) The feedback regarding international criminals seeking visas to the United States, which is to be provided from the Department of State AVLOS system enhances the INTERPOL - USNCB's ability to communicate these facts to the countries which initiated the wanted notices.

In order to increase awareness of the INTERPOL - USNCB functions and services to the law enforcement community, the INTERPOL - USNCB prepares and distributes to all participating Federal agencies annual reports and monthly reports summarizing significant cases and other accomplishments and program innovations by the INTERPOL - USNCB and the INTERPOL General Secretariat.

In order to increase awareness of the INTERPOL - USNCB's functions and services to the law enforcement community, the INTERPOL - USNCB conducted in FY 1981 and FY 1982 a program of addressing a sizable number of law enforcement community conferences and meetings, and of seeking other opportunities to publicize the role of the INTERPOL - USNCB. The FY 1982 improvements (such as the additional ten detailed positions for the INTERPOL - USNCB, and the addition of the in-house microfiche system for document control) increased case handling efficiency so that additional case referrals may now be handled.

Accomplishments and Workload: During FY 1982, the INTERPOL - USNCB handled a total caseload of over 23,170 cases presented, including 10,370 newly received and re-activated cases and matters, and over 12,800 open cases pending from FY 1981. Of the 10,370 new and re-opened cases, 8,030 new cases were opened as investigative cases in the INTERPOL Case Tracking System (ICTS); the other 2,340 cases and matters included 732 re-activated ICTS cases; 230 new TICS cases; 271 Canadian vehicle and license trace cases; 318 matters finally declined by Quality Control for lack of supporting information sufficient reasons for the investigative request; 26 social requests from the Office of International Affairs of the Department of Justice's Criminal Division; 198 rapid telecommunications transmissions which did not necessitate opening an ICTS case; and 565 cases of law enforcement assistance, research, survey and public information cases in Administration and Special Projects section. The 10,370 new cases opened in 1982 included a total of over 13,129 separate offenses or activity categories, which are divided into the following fourteen general classes, listed by approximate percentages:

Activity	Percentage of Workload
1. Fraud	17.7 %
2. Counterfeiting	4.8 %
3. Narcotics Violations	12.4 %
4. Vice and Morals Violations	0.9 %
5. Theft and Crimes Against Property	17.4 %
6. Violent Crimes	8.9 %
7. Piracies and Explosives Violations	5.1 %
8. International Fugitives	7.8 %
9. Extrajudicial and International Wanted Notices	2.6 %
10. Immigration Violations	3.1 %
11. Criminal History Checks and Identification Checks	11.6 %
12. Humanitarian Matters and Missing Persons Cases	4.3 %
13. Law Enforcement Assistance Cases	1.9 %
14. Miscellaneous Criminal Cases	1.1 %
Total	100.0 %

During FY 1980, the INTERPOL - USNCB received 8,388 new investigative matters, including 7,539 ICIS cases and 749 requests for verification of ownership on vehicles with Canadian registration (Canadian cases). The INTERPOL - USNCB completed and closed all 749 Canadian cases, and 6,125 ICIS cases, for a total of 6,874 cases investigated with information transmitted, and closed in FY 1980.

In FY 1981, the INTERPOL - USNCB received 9,062 new investigative matters, including 7,026 ICIS cases; 1,236 TICS cases (representing only the six months from April 1, 1981 to September 30, 1981); and 800 Canadian cases. Of these, all 800 Canadian cases opened were completed and closed; and 5,663 of the ICIS and TICS cases were completed, information was transmitted, and the cases were closed, for a total of 6,463 cases closed in FY 1981.

Approximately 2,000 of the pending cases each year and 500 of the new cases opened each year are wanted notices on fugitives or international criminals. These notices are retained in an open status for at least five years, and are reviewed for extension, unless the fugitive is located and arrested, or until the notice is otherwise cancelled. During FY 1982, the INTERPOL - USNCB developed and implemented a systematic program of thorough review of all outstanding wanted notices, to ensure the accuracy and the need for retention of the notices.

In FY 1982, the INTERPOL - USNCB installed a complete system of updatable microfiche recording, printing, and duplicating all documents in the investigative case files, to facilitate case analysis by each investigative agent.

The official hours of operation of the INTERPOL - USNCB were extended during fiscal year 1982, to twelve hours per day, from 8:00 AM to 8:00 PM, with an investigative duty agent on call 24 hours a day and on weekends.

The INTERPOL - USNCB has established in 1981 and expanded in 1982 an Economic and Financial Crimes Unit, consisting of four senior investigative agents from the Federal law enforcement agencies with primary jurisdiction and investigative responsibility for economic and financial crimes (i.e., the Internal Revenue Service, Postal Inspection Service, U.S. Customs Service, and the Office of the Inspector General of the U.S. Department of Agriculture). This unit coordinates and integrates information for fraud investigations of an international nature, and for investigative cases of violations of Federal, state, local and foreign laws traditionally considered as white collar crimes.

The Anti-Terrorist Unit program in the Investigations Section, begun in FY 1982, evaluates information at the INTERPOL - USNCB and determines the information's relevance to the participating agencies. It is defining the appropriate role of the INTERPOL - USNCB in this area. The Unit is staffed by senior investigative caseworkers from those Federal agencies with a direct interest or expertise in anti-terrorism activities (i.e., the U.S. Secret Service, U.S. Customs Service, and the Bureau of Alcohol, Tobacco and Firearms).

A formal study of a proposed Fugitive Unit in the INTERPOL - USNCB was conducted in FY 1982, in conjunction with the U.S. Marshals Service, and is under serious consideration for formation during FY 1983, to formalize and augment the existing fugitive tracking program already performed within the INTERPOL - USNCB. If created, this Fugitive Unit will

assume a major coordinative function for information for the investigation, identification, location and return of internationally wanted fugitives and fugitives in drug violations cases, to the countries of their offenses, for criminal prosecution and incarceration.

Within the INTERPOL - USNCB Operations Section, in fiscal year 1982, the INTERPOL Analytic Unit was established and staffed by professional law enforcement analysts, to maintain certain programs that are essential to the INTERPOL - USNCB mission, including but not limited to the following nine functions: (1) the Quality Control function safeguards the integrity of the data maintained in the INTERPOL system and protects the privacy rights of subjects of investigations, by ensuring compliance with standard criteria prior to the opening of investigative cases and the release of information thereunder; (2) the Art program computerizes data and circulates information on stolen and forged art to major police departments, law enforcement agencies art dealers and galleries, among others; (3) the International Wanted Notices program ensures that information concerning international fugitives is circulated to United States border points; (4) the Vehicle Traces program completes vehicle and license registration traces for investigative requests by maintaining source books and other necessary information; (5) the Anti-Terrorist program is establishing a system for maintaining information on persons known to be members of organized groups engaged in terrorist activities and who are wanted for committing a criminal act; (6) the Travelers Checks and Credit Cards Cases program completes investigations of an international nature concerning lost and stolen travelers checks and credit cards; (7) the Applicant Cases program completes investigations of an international nature concerning police applicants, applicants for liquor and casino permits, and firearm permits; (8) the Humanitarian Cases program handles requests involving international notification of next of kin in family emergencies; (9) the Suspense System program ensures that the INTERPOL - USNCB cases are kept up to date and that ICITS and TICS computer entries are modified accordingly.

INTERPOL - United States National Central Bureau
Salaries and expenses, General Legal Activities
Detail of Permanent Positions by Category
Fiscal Years 1982 - 1984

Category	1982 Authorized	1983 Authorized	1984 Request
General Admin. and Clerical (300-399).....	5	5	5
Translators (1045).....	1	1	1
Total.....	6	6	6
Washington.....	6	6	6
U.S. Field.....	...	...	...
Foreign Field.....	...	...	...
Total.....	6	6	6

GENERAL STATEMENT

Mr. DWYER. We are pleased to have with us again this year the Hon. Edward C. Schmults, Deputy Attorney General, who will present this budget request to the Committee.

Do you have a prepared statement? You may proceed as you wish.

Mr. SCHMULTS. Thank you, Mr. Chairman. I have got a longer statement that really isn't very long, it is only 5 pages, but I would propose to submit that for the record and summarize it, if that is all right with you.,

Mr. DWYER. That is fine.

Mr. SCHMULTS. First of all, I would like to say that with me today are the Assistant Attorneys General in charge of the Litigating Divisions, or a Senior Deputy in the Litigating Division, and a representative here, Mr. Tarr, from the Office of Legal Counsel. So they are available to answer any questions you may have with respect to their operations.

FUNDING REQUEST

I am pleased to be here today to discuss the 1984 budget request for the Department of Justice's general legal activities. Our total request is for \$160,440,000, and 2,801 positions. This request represents an increase of \$19,592,000, and 58 positions over the anticipated 1983 appropriation.

The major part of our increased funding is \$9,283,000 for net uncontrollable expenses. This includes \$11,574,000 for uncontrollable increases consisting primarily of the pay annualization and within-grade increases, space rentals, telephone and telegraph communications charges, air fare and mileage increases, and increases in commercial contract rates. These increases are partially offset by decreases of \$2,291,000 which are nonrecurring.

In addition, our request reflects a net transfer of \$1,380,000 and 34 positions into the general legal activities. The Antitrust Division will transfer \$1,681,000 and 38 positions to the Civil Division in 1984, to relocate the responsibility for consumer affairs litigation. The Immigration and Naturalization Service will also transfer \$250,000 and 4 positions to the Civil Division to consolidate the responsibility for civil immigration litigation. Partially offsetting this is a \$551,000 and 8 position transfer from the Tax, Criminal and Civil Rights Divisions to the Justice Management Division for the consolidation of the departmental library services.

PROGRAM INCREASES—GLA

For general legal activities, we are requesting 1984 program increases totaling \$8,929,000 and 24 positions. An enhancement of \$7,067,000 and 9 positions is requested for the Civil Division, primarily to expand automated litigation support activities that are necessary for the processing and managing of large volumes of documents associated with several major classes of litigation.

PROGRAM INCREASE—CRIMINAL DIVISION

A funding increase of \$977,000 is requested for the Criminal Division. The increase provides \$690,000 to improve the Division's data processing and office automation systems, and \$287,000 to enable the Division to fill currently authorized positions with seasoned prosecutors in lieu of inexperienced attorneys.

PROGRAM INCREASE—CIVIL DIVISION

Finally, an enhancement of \$885,000 and 15 positions is requested for the Civil Division to respond to the increased workload in the area of civil rights prosecution and voting rights. This funding will also be used to provide automated information management in support of major litigation in the Division's voting section.

TAX DIVISION

The other legal divisions, and I think that is primarily the Tax Division, will essentially continue operations at the 1983 level. The prosecutorial and litigative priorities of the department remain unchanged from last year. As you know, representation of federal interests in cases in which the United States is a party is primarily the responsibility of the United States attorneys. In furtherance of this policy, the legal divisions of the Department delegate case responsibility wherever practical to the U.S. attorneys. However, the Department's legal divisions exercise important centralized program management and oversight responsibilities and conduct large-scale litigation activities, which are inappropriate for delegation to the United States Attorney's Office.

As I said, I have here with me today representatives from the litigation divisions and from the Office of Legal Counsel, and we all are ready to respond to any specific questions that you may have, Mr. Chairman.

[The prepared statement of Mr. Schmults follows:]

DEPARTMENT OF JUSTICE
GENERAL LEGAL ACTIVITIES

STATEMENT OF THE DEPUTY ATTORNEY GENERAL
EDWARD C. SCHULTZ
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON THE DEPARTMENTS
OF COMMERCE, JUSTICE AND STATE, THE JUDICIARY AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee:

I am pleased to be with you today to discuss the 1984 budget request for the Department of Justice's General Legal Activities. Our total request is for \$160,440,000 and 2,801 positions. This request represents an increase of \$19,592,000 and 58 positions over the anticipated 1983 appropriation. The major part of our increased funding is \$9,283,000 for uncontrollable expenses. These uncontrollable expenses consist primarily of the pay annualization and within-grade increases, space rentals, telephone and telecommunications charges, airfare and mileage increases, and increases in commercial contract rates.

In addition, our request reflects a net transfer of \$1,380,000 and 34 positions into the General Legal Activities. The Antitrust Division will transfer \$1,681,000 and 38 positions to the Civil Division in 1984 to relocate the responsibility for consumer affairs litigation. The Immigration and Naturalization Service will also transfer \$250,000 and 4 positions to the Civil Division to consolidate the responsibility for civil immigration litigation. Partially offsetting these transfers is the transfer of \$551,000 and 8 positions from the Tax, Criminal and Civil Rights Divisions to the Justice Management Division for the consolidation of Departmental library services.

For General Legal Activities, we are requesting 1984 program increases totalling \$8,929,000 and 24 positions. Of this, an enhancement of \$7,067,000 and 9 positions is requested for the Civil Division that is primarily to

improve automated litigation support activities. A funding increase of \$997,000 is requested for the Criminal Division. The increase provides \$690,000 to improve the Division's data processing and office automation systems and \$287,000 to enable the Division to fill currently authorized positions with seasoned prosecutors in lieu of inexperienced attorneys. Finally, an enhancement of \$885,000 and 15 positions is requested for the Civil Rights Division to respond to the increased workload in the areas of civil rights prosecution and voting rights. This funding will also be used to provide automated information management in support of major litigation in the Division's Voting Section. The remaining legal divisions will essentially continue operations at the 1983 levels.

The prosecutorial and litigative priorities of the legal divisions within the General Legal Activities appropriation remain unchanged from past years. As you know, representation of federal interests in cases in which the United States is a party is primarily the responsibility of the U.S. Attorneys. In furtherance of this policy, the legal divisions of the Department delegate case responsibility, whenever practical, to the U.S. Attorneys. However, the Department's legal divisions exercise important centralized program management and oversight responsibilities and conduct large scale litigation activities which are inappropriate for delegation to the U.S. Attorneys' offices.

With me here today are representatives from the litigating divisions to respond to any specific questions that you may have about their programs.

CRIMINAL DIVISION

In concert with the U.S. Attorneys, the Criminal Division has a lead role in our efforts to prosecute organized crime, drug trafficking, and public corruption. The Division's analysis and critical review of investigative and prosecutive policies and practices as well as its involvement in the review and approval of Title III applications and witness protection requests contributes to the effective utilization of federal investigative and prosecutorial resources throughout the country. The Criminal Division continues to develop case law related to the seizure and forfeiture of criminal assets and profits. Together with the Tax Division, the Criminal Division targets major drug organizations with particular emphasis upon developing investigative and prosecutive techniques to attack the international financial activities of these organizations. In addition, the Criminal Division has recently established a specialized procurement fraud unit dedicated to the identification and prosecution of fraud in Department of Defense contracts.

CIVIL DIVISION

The Civil Division is currently involved in several major classes of litigation involving claims against the government in excess of \$30 billion. Examples of these classes of litigation are the asbestos, Agent Orange and radiation exposure cases. These cases involve the processing and utilization of hundreds of millions of pages of documentary and evidentiary records. This requires a substantial investment in litigation support services to prepare effectively for settlement negotiations and trial. The 1984 request includes over \$6 million in new resources for this purpose.

In addition, the Civil Division has a critical role in defending the legality of federal legislation and programs, often addressing issues of constitutional dimensions, and in developing litigative approaches necessary for the enforcement of both domestic and international federal initiatives. While many cases are handled by Division attorneys, assistance is also provided to U.S. Attorneys and client agencies to ensure the development and presentation of a consistent, thoroughly researched government position on the legal issues involved.

LAND AND NATURAL RESOURCES DIVISION

A priority activity of the Land and Natural Resources Division continues to be litigation of claims under the Hazardous Substance Response Trust Fund (Superfund). These cases will be funded from resources made available by the Environmental Protection Agency. The Department expects an increase in these cases as a result of the recent publication of a list of additional hazardous waste sites. In addition, the Division is heavily involved in the defense of federal agency actions under the Outer Continental Shelf Lands Act, the National Environmental Policy Act and other laws concerning the use of public lands, waters and natural resources.

CIVIL RIGHTS DIVISION

The Civil Rights Division continues to place the highest priority upon the prosecution of violent criminal acts in violation of the rights of individuals and groups and the protection of the rights of all citizens to participate fully in the electoral process. Additional resources are being sought

to increase prosecutions of violent activities of the Ku Klux Klan and other hate groups and to address the expected increase in voting program workload occasioned by the extension of the Voting Rights Act.

This concludes my statement, Mr. Chairman. My colleagues and I will be pleased to answer any questions you or other members of the Subcommittee may have.

CRIMINAL DIVISION—AUTOMATED DATA SYSTEMS

Mr. DWYER. Thank you.

The fiscal year 1984 budget request includes an increase of \$977,000 for the Criminal Division. Of this amount, \$690,000 is to fund improvements in automated information systems and word processing capabilities in support of the Criminal Division's programs.

It is noted on page 51 of the justifications, you discuss the reprogramming of \$463,000 from the Criminal Division during fiscal year 1983 for automated litigative support activities. If you can afford to give money within other divisions of the department for these activities, why are you requesting additional funds for improvements to your own automated information system?

Mr. SCHMULTS. Perhaps Mr. Rooney can answer that, Mr. Chairman.

Mr. ROONEY. Mr. Chairman, if I am not mistaken, we had a request before the Congress for a supplemental for litigation support in the Civil Division which did not get authorized. As a result, we subsequently came back for a reprogramming request to do this with available resources within each of the divisions in this appropriation.

CIVIL DIVISION—AUTOMATED SUPPORT

Mr. DWYER. Also on page 51, in connection with this reprogramming, you stated that the \$1,359,000 was reprogrammed from the Legal Divisions for automated litigative support activities in the Civil Division. On page 5 of the justifications you state the amount for this program was \$1,294,000. How much have you actually reprogrammed to support the Civil Division's efforts to automate the support activities?

Mr. ROONEY. The difference between our requested supplemental, Mr. Chairman, and the amount that you cited, the \$1.4 million, was available within the Civil Division.

Mr. DWYER. Of the \$977,000 increase requested for the Criminal Division, \$287,000 is to cover a shortfall in funding for positions in the Criminal Division. Can you tell us how this funding shortfall occurred, and how many positions you will be able to fill if the request is granted?

Mr. ROONEY. Mr. Chairman, the funding shortfall is because we had in the past hired at a lower grade level, and this would reflect a policy to hire more experienced prosecutors within the Criminal Division.

Mr. JENSEN. Mr. Chairman, I am Lowell Jensen. This increase would not change the overall number of positions that are allocated, it is just the mix of positions hired. As Mr. Rooney has said, we have gone to an emphasis in skilled litigators rather than hiring entry levels, and the result has been that people coming into the division have a great deal of experience, but cost more in terms of personnel costs.

CRIMINAL DIVISION—TAX ENFORCEMENT—NARCOTIC UNIT

Mr. DWYER. On page 69 of the justifications you describe the activities of the Tax Enforcement Narcotic Unit, and the complex narcotic investigation and prosecuting program. The justifications further indicate that the lack of resources may be hampering efforts in these areas. Has the lack of sufficient resources been a problem in the program areas, and if so, what is the estimated shortfall?

Mr. JENSEN. Mr. Chairman, if I may, the Tax Enforcement Narcotic Unit resources are twofold. There are attorney resources and investigative resources. The Unit's attorney resources are a mix of attorneys in the Criminal Division and the Tax Division with the necessary skills and expertise to direct complicated and sophisticated tax investigations.

There is no shortfall in terms of the attorneys being available for the unit at the present time. As a matter of fact, as we staff the Organized Crime Drug Task Forces, there will be ample attorney personnel to pick up those kinds of investigations. There also will be an increase in investigators to conduct such cases.

Mr. DWYER. On page 69 of the justifications there is some language there about priority basis, and it's hinted that your efforts might be hampered because of lack of money. I haven't read it in a week or so, I guess, but there is some language on that page.

Mr. ARCHER. Mr. Chairman, I am Glenn Archer from the Tax Division. Perhaps I could answer that. We at one time thought that we needed to increase the number of personnel to some extent in our Tax Enforcement Narcotics Unit, which is in the Tax Division in Washington, and assists the U.S. Attorneys in conducting tax investigations in the narcotics area.

I think now that the drug task forces have been set up, much of the responsibility will shift to these task forces, and our people probably will be involved more in training and consulting work with the U.S. Attorneys rather than in direct investigations.

Mr. DWYER. I remember reading this a couple of weeks back, and this seems to be one of the ways to reach out and to prosecute with a high degree of success a lot of the drug traffickers, because of their style of living, and so on and so forth. And then it is mentioned that this is done on a priority basis. I was just wondering if you feel absolutely comfortable that you have enough funds to go out and do the type of job that you should be doing in that area.

Mr. ARCHER. Mr. Chairman, the new Drug Task Forces will have a number of Internal Revenue Service personnel. I think there are some 220 or 230 IRS agents that are going to be connected with the Drug Task Forces, and they will also add experienced prosecutors connected with those task forces. I believe in that way that these financial investigations of the drug traffickers will be undertaken now by the Drug Task Forces, where before we were handling some of those in cooperation with the Criminal Division and with the U.S. Attorneys.

Mr. JENSEN. Mr. Chairman, if I may. In each of the Organized Crime Drug Task Forces that will be set up, are being set up, and are in place, there is a financial investigation component which

will conduct this type of investigation with both the legal and the investigative resources necessary.

Mr. DWYER. Let me ask the question in a different way. Were there any cases declined in these program areas during fiscal year 1982 because of lack of funds?

Mr. JENSEN. There were no cases declined. It may very well be that cases weren't reached by the resources available. There are cases to be made there and we expect to make those with the Drug Task Forces. We have not had a situation where we found a case that we had to, say, put on the shelf and not go ahead with. We are just going to make more and different cases.

LAW ENFORCEMENT COORDINATING COMMITTEES

Mr. DWYER. How does the department monitor and evaluate the activities of the law enforcement coordinating committees and the district law enforcement plans, once they are established by each of the United States Attorneys offices?

Mr. SCHMULTS. Those are basically monitored by the Associate Attorney General's office with the help of the Executive Office of U.S. Attorneys.

Mr. DWYER. With respect to the problem of enforcement lapses in areas of concurrent jurisdiction, what areas pose the most significant problems, and what steps have been taken to correct these problems?

Mr. SCHMULTS. Lowell, do you want to answer that?

Mr. JENSEN. Mr. Chairman, that is precisely what the Law Enforcement Coordinating Committees were set up to address, to see that there were no enforcement lapses. That is a part of the plan that the Deputy Attorney General has just referred to. It is monitored through the Associate office and the Executive Office for the U.S. Attorneys.

We do not anticipate replicating previous situations where a declination policy was not transmitted to local enforcement which resulted in cases not being picked up. That will not occur in the Law Enforcement Coordinating Committees. Coordination of policies is a part of the planning mechanism itself.

EVALUATIONS—CRIMINAL DIVISION

Mr. DWYER. One of the major responsibilities of the Office of Administration in the Criminal Division is to evaluate the enforcement programs of the division. How many evaluations were undertaken in fiscal year 1982, in what areas, what were the major problems uncovered, and what corrective action was taken? I would ask that you supply this for the record.

Mr. JENSEN. Certainly.

[The information follows:]

CRIMINAL DIVISION—EVALUATIONS

The Office of Policy and Management Analysis (OPMA), which is included in the Management and Administration Decision Unit for budget purposes, meets its evaluation objective in three ways: performing evaluation studies, developing evaluation methodology for use by Criminal Division sections, and collecting information from the field for management purposes. The latter two activities do not yield evaluation reports but assist Division managers in identifying problem areas and assessing al-

ternative responses. OPMA also participates in a number of ongoing evaluative activities.

EVALUATION STUDIES

1. Forfeitures Study.—OPMA worked with JMD's Evaluation Staff and EOUSA to produce a major study of the way in which the Department seizes and forfeits property used to commit crimes or brought with the proceeds of criminal activity. The study confirmed that major problems existed throughout forfeiture operations. The written evaluation produced by that study is still in draft. However, the early drafts recommended: (1) establishing a new office in the Criminal Division to provide U.S. Attorney Offices with advice on the many problems encountered in forfeiture litigation; (2) establishing a new unit in the U.S. Marshals Service to manage property seized by forfeiture; and (3) pursuing the forfeiture legislation that the Department presented to the Congress last year. Partly as a result of the forfeiture study, the Department of Justice will soon propose a reorganization to the Criminal Division creating a new office to provide advice, and the U.S. Marshals Service is planning a new property management unit. The Department has resubmitted the forfeiture legislation.

2. Shipbuilding Claims Study.—The Office, in conjunction with the Fraud Section, is reviewing the shipbuilding claims cases that the Division declined to prosecute. We are interviewing persons in both the Navy and the Justice Department involved in the investigations of these three matters. Our study examines the administrative procedures used by the Navy in large shipbuilding claims and their impact on the development of successful fraud prosecutions. We expect this examination to be helpful to the Navy in referring possible fraud allegations as well as to the Department in its evaluation, direction, and conduct of investigations of fraud in complex defense procurements.

DEVELOPMENT OF EVALUATION METHODOLOGY

1. Information Systems.—The Office designed and implemented the Case Management Information System (CMIS), which tracks the Division's caseload, and the Fraud and Corruption Tracking (FACT) system, which tracks referrals from the Inspectors General to the Department. The Office is currently involved in evaluating the Division's computer needs.

2. Case-weighting.—A case-weighting system is being pilot-tested for use by the Organized Crime and Racketeering Section managers in assessing the relative significance of cases handled by the Strike Forces.

3. Drug Enforcement Task Forces.—The Office is providing staff support in developing a system for monitoring and assessing the impact of the Drug Enforcement Task Force.

DATA COLLECTION FOR MANAGEMENT PURPOSES

1. Strike Force Reviews.—Reviews of several Strike Forces have been conducted over the past three years to assist Organized Crime and Racketeering Section managers in their oversight responsibilities. These reviews have produced management-related information (i.e., case summaries, resource commitments, and estimates of the crime problems being addressed) rather than evaluations of Strike Force performance.

2. Time-Use Study.—The Office designed and conducted a time-use survey of Division attorneys to obtain a detailed picture of the Division's activities.

ONGOING EVALUATION ACTIVITIES

1. Review of Law Enforcement Plans.—The Office works closely with the Division's Office of Law Enforcement Coordination and the Sections in reviewing Law Enforcement Plans submitted by the United States Attorneys. The Office prepared guidance to the U.S. Attorneys on the major enforcement areas for use in preparing their District plans, which serves as the basis for the Division's review.

2. National Organized Crime Planning Council (NOCPC).—OPMA provides staff assistance to NOCPC, which conducts on-site reviews of each Strike Force approximately every two years.

3. Division Management Reviews.—The Office developed and currently manages a bi-annual management review process through which the Division's managers assess the progress of each Section and Office in meeting its objectives.

Mr. DWYER. Mr. Early.

CIVIL DIVISION—PRIVATE COUNSEL

Mr. EARLY. Last year we earmarked \$415,000 for the Civil Division to retain private counsel in cases where a conflict of interest exists. How much of that appropriation has been allocated?

Mr. ROONEY. For fiscal year 1982, the Department used \$408,000 for private counsel.

Mr. EARLY. So you have used the entire amount?

Mr. ROONEY. The \$415,000 earmarked for private counsel is for this fiscal year. The Department expects to use the entire amount.

Mr. SCHMULTS. If I could just add to that. As you know, the Administration last year supported, and we will be proposing to the Congress again this year, or at least supporting the enactment of some amendments to the Federal Tort Claims Act. That would reduce the scope of the conflict problem and the need to hire outside counsel in those cases.

Mr. EARLY. Is that legislation drafted?

Mr. SCHMULTS. Yes, it already is drafted. It is essentially the same. It is likely to take the same form as the proposal we supported last year. That would substitute the United States as a defendant in the so-called Bevins-type cases.

Mr. EARLY. Do you feel that we can safeguard our interests with in-house attorneys without a conflict of interest arising?

Mr. SCHMULTS. Safeguard our interests in what respect?

Mr. EARLY. Assuring that the law will be enforced. I have a very difficult time approving private counsel for you, considering the number of attorneys that the Justice Department has on board already.

Mr. SCHMULTS. I think the hiring of private counsel certainly makes it more difficult. If you want to settle a case, you have more people that you have to get to agree to the settlement. Certainly, if you have more lawyers in any proceeding, it is likely it is going to take longer, and perhaps be more expensive and more difficult to settle on from the government's standpoint. I think one of the most important things we can do in this area is pass some amendments to the Federal Tort Claims Act.

Mr. EARLY. In your entire budget, in how many areas is private counsel retained?

Mr. SCHMULTS. Of the entire budget?

Mr. EARLY. In the budget that you are defending today.

Mr. SCHMULTS. It is basically just the number that you had for the Civil Division. That is really where we do that.

ORGANIZED CRIME DRUG ENFORCEMENT

Mr. EARLY. I was hoping that would be the answer, and I hope that you proceed with the legislation that you mentioned.

I understand from your remarks that the Drug Task Forces are assuming a significant role in prosecution. Is that right?

Mr. JENSEN. No, sir. The Drug Task Forces will focus on major organizational structures, and will investigate the narcotic trafficking associated with the major organizations in the regions around the country. They will embrace a good deal of the drug trafficking within any given area, in that they will pick up investigations, the major distributors in any given area.

The rest of the drug trafficking will be prosecuted as it is now, either through the Narcotics Section, Criminal Division or by U.S. Attorneys. They will maintain the same level of their narcotic enforcement effort that exists now.

Mr. EARLY. Do you expect these task forces to alleviate the Justice Department's responsibilities?

Mr. JENSEN. We don't expect them to alleviate it. We expect them to increase the ability to investigate and prosecute traffickers. They will not be used in such a fashion that they alleviate some other workload. The work will remain there for the other narcotic enforcement efforts of U.S. Attorneys and the other investigative sources. The Task Forces will be additional resources to go after the major drug trafficking organizational structures.

Mr. EARLY. Weren't Task Force activities handled under the narcotics and dangerous drug prosecutions? What did you do before the Task Forces existed? Who did this work before they existed?

Mr. JENSEN. They were not done in that sense. These are additional resources.

Mr. EARLY. Wait a minute. What do you mean they weren't done?

Mr. JENSEN. In the sense that you can only do so much investigation and prosecution, depending upon the resources that you have.

Mr. EARLY. In the past two years, we have not heard from the Justice Department that it didn't have enough money for investigations.

Mr. SCHMULTS. Those cases are similar to the types of cases that the task forces will be pursuing that were handled prior to this by the Criminal Division or by the U.S. Attorneys offices.

These task forces are designed to bring resources together from the different agencies, and to target significant cases that span across district lines, state lines, and, as Mr. Jensen pointed out, will be targeted against the higher-ups, the organized criminal enterprises dealing in drugs.

Part of the impetus for this was the emergence of these new criminal enterprises beyond organized crime, the motorcycle gangs, and others, that are in effect dealing in a major way in drugs. One of the theories behind the task forces was it is important to target some new resources on these emerging criminal enterprises and seek to break them up before they become more established than they are.

Mr. EARLY. But there are problems in getting the leaders of organized crime. You are going to have to go through the underlings to get to the higher-ups.

My reservation is that we are funding the narcotics and dangerous drugs prosecution, and we are pouring money into several other new areas related to drug trafficking, yet there is no effect on the level at which we are supposed to fund you.

Mr. SCHMULTS. The task force, to a major extent is built on two things: One, the Attorney General has brought Director Webster of the FBI into the drug-fighting business, and that, in combination with the Drug Enforcement Administration now reporting to the Director of the FBI, results in more sophisticated resources being available to make these major cases. These cases often involve wiretapping and other sophisticated techniques requiring a lot of

manpower. In the past, to a fair extent this really couldn't be done effectively. I think that is really a major part of the organization of the new task forces.

The other part, of course, is that they build on the success of the South Florida Task Force, where it worked and is working on getting a number of agencies together effectively through under the leadership of the Vice President. In the case of the task forces they are under the leadership of the Attorney General.

U.S. ATTORNEYS, SOUTHERN DISTRICT OF NEW YORK

Mr. EARLY. Let me ask you about a specific case going on in New York which involves a convicted narcotics king. From what account is that being funded? Has a task force handled that case?

Mr. JENSEN. That is being handled by the Southern District of New York, the U.S. Attorney's Office there.

Mr. EARLY. Was the cost shared with any other office?

Mr. JENSEN. No. It is part of their regular enforcement effort, performed by the investigators and U.S. Attorneys now in place.

Mr. ROONEY. Mr. Early, if I may, one of the key things here is identifying the resources in the Criminal Division for the narcotics and dangerous drugs that you talked about being static. Those positions basically are—I think Mr. Jensen will agree with me—headquarters policy advice type positions where the U.S. Attorneys and these task forces really represent the attorneys that are on the line actually handling the prosecution of cases.

Mr. EARLY. And how much of that money is for personnel?

Mr. ROONEY. Which monies?

Mr. EARLY. In the narcotics and dangerous drugs prosecution.

Mr. ROONEY. That is 39 positions.

Mr. EARLY. That constitutes what amount out of your \$2 million?

Mr. JENSEN. Personnel costs are distributed the same as they are in other programs.

Mr. EARLY. I am just trying to find out if most of the \$2 million is for personnel.

Mr. ROONEY. Absolutely.

Mr. JENSEN. Yes, it is.

CIVIL RIGHTS DIVISION

Mr. EARLY. Regarding the three new positions for the Civil Rights Division, you say these will allow you to increase efforts against the Ku Klux Klan and similar groups. Are similar groups emerging?

Mr. SCHULTS. I don't know. I will have to ask Mr. Reynolds. The Civil Rights Division, we think, has been making really major strides in prosecuting those people who are engaged in criminal violence or intimidating people in violation of their civil rights. I think the record of the last year, the types of cases that have been brought, certainly more than justifies the request.

As to whether there are any additional groups that can be named in open hearings besides the Ku Klux Klan, Brad, are there any that you would care to name?

Mr. EARLY. You do not have to name names. Have similar groups as massive as the Ku Klux Klan been organized?

Mr. REYNOLDS. There are other organized groups that we have under investigation with respect to specific events in specific matters.

Mr. EARLY. Are they regional or nationwide?

Mr. REYNOLDS. The Ku Klux Klan differs from region to region in terms of how its particular group is made up. I think similarly with these other groups, while they tend to go under broad labels that they also differ from region to region.

Mr. EARLY. Do you think there might be some interconnection as far as shared information,

Mr. REYNOLDS. I am not altogether sure what the interconnections are.

CIVIL DIVISION—AUTOMATED LITIGATION SUPPORT

Mr. EARLY. We should nip that right now if we can. Finally, regarding the \$6.15 million for automated litigation support requested under Customs and General Civil Matters, is this the technology going to give us more service or is it going to save in costs?

Mr. SCHMULTS. I hope both. That large figure is really intended to help the Civil Division, indeed the Department of Justice, cope with these massive cases, asbestos cases, the radiation cases, Agent Orange cases involving—I think in the asbestos cases, there are some 700 million documents.

I don't know whether I have the right number of zeros on that, but an enormous amount of paper. You simply cannot manage cases of that magnitude going on all over the country in dozens of courts without having a highly sophisticated way to sort the paper and retrieve what you need. Yes, it ought to help certainly save costs and clearly make the Division more productive and more efficient, which I trust will mean it will take better litigating positions in Court, and, I am sure over the long run will save money.

Mr. EARLY. I think the Attorney General, himself, and several other witnesses have testified that you won't be able to do everything that might be involved in a case like the asbestos one.

Mr. SCHMULTS. Right.

Mr. EARLY. I hope you are microfilming those documents.

Mr. SCHMULTS. Yes, we are. We are doing that, and really there is almost no alternative. Those papers have to be managed efficiently in these massive cases, if the government is going to be adequately represented. We have certainly been very pleased and are appreciative of the support we have received from this Committee.

Mr. EARLY. This new technology really represents, I suppose, an expansion of services. I just hope we have got plans drawn for future years. We can't keep spending more money. I hope new technology can at least hold costs within their current range and additionally expand services, make more information available. I hope this is the goal.

Mr. SCHMULTS. Yes, that is the goal. Of course, the whole area of litigation seems to be expanding generally in this country, and so we have to keep pace. Our position, in part, is that the costs would rise faster than they are in the absence of this technology. I think what you may be looking for, what we all hope, is that some time

we will see costs stabilize. I appreciate the fact there are concerns about that.

We are certainly concerned about it too. I trust at some point you arrive at some sort of a plateau. It certainly can't go up endlessly. However, we are not there yet.

Mr. DWYER. Thank you.

CIVIL RIGHTS—BACKLOG

Mr. Early touched on the civil rights cases a minute ago. Can you tell us a little about the pending backlog of cases in the area, and what was the number of cases pending at the end of fiscal year 1982?

Mr. SCHMULTS. Brad, do you have that information?

Mr. REYNOLDS. It might be better just to submit the information.

Mr. SCHMULTS. Can we submit that for the record, Mr. Chairman?

Mr. DWYER. Fine, and at the same time you can also submit what you project to have in terms of a backlog of cases, by the end of 1983 and what do you project happening in 1984 in the civil rights area for the record.

Mr. SCHMULTS. We will make an effort to do that.

[The information follows:]

CIVIL RIGHTS DIVISION BACKLOG

At the end of 1982, six cases were pending which involved either the Ku Klux Klan or other incidents of racial violence. (A case is any matter investigated in which an indictment or information was filed. Cases remain open until a final outcome is reached through a plea, trial, dismissal or appeal.) We project a backlog of nine racial violence cases pending at the end of 1983 and twelve cases pending at the end of 1984.

In addition, we had seven matters in these categories awaiting presentation to a federal grand jury at the conclusion of 1982. We project this figure to be 12 at the end of 1983 and 16 at the end of 1984.

Our projections are based on the increased emphasis the Division has placed on racial violence cases in the past two years. The 1984 projections assume increased resources enabling us to pursue more matters.

CIVIL RIGHTS—VOTING PROGRAM

Mr. DWYER. The increase for fiscal year 1984 includes 12 positions and \$384,000 to address the anticipated increase in the voting program workload occasioned by the extension of the Voting Rights Act. How many lawsuits were instituted by the Department of Justice in this area in fiscal year 1981 and 1982 and how many lawsuits do you anticipate initiating in fiscal years 1983 and 1984? You may want to submit that for the record if you don't have it right at your fingertips.

Mr. REYNOLDS. Mr. Chairman, on the prior questions, was that directed just at the criminal prosecutions in the Civil Rights Division or all of the civil rights litigation?

Mr. DWYER. Why don't you break it down and give it to us in both the criminal and the civil so we have the entire spectrum.

[The information follows:]

VOTING PROGRAM INITIATION OF CASES

The Division's Voting program initiated nine cases and defended one case in 1981; initiated five cases and defended eight in 1982; anticipates that it will initiate ten cases and defend six in 1983; and, initiate 16 and defend five in 1984.

CASES PENDING END OF YEAR

	1982	1983	1984
Criminal.....	39	39	34
Civil.....	850	807	762

PRECLEARANCE OF VOTING LAWS

Mr. DWYER. We have reports that voting laws in the states that come under the jurisdiction of the Department are changed in many cases and are not pre-cleared with the Department as required by law. How do you make sure that changes in such laws are pre-cleared before being implemented?

Mr. REYNOLDS. We send letters out to the covered jurisdictions on a regular basis asking that they send in all laws for pre-clearance. We recently did that after the enactment of the new legislation. Beyond that, we basically find out from people who advise us of laws that are passed that have not been sent in, but we routinely send requests to the covered jurisdictions and ask that they send in all laws pertaining to voting for pre-clearance.

Mr. DWYER. There is no way that you can check up on what laws have been enacted in the several states without their notifying you by return mail?

Mr. REYNOLDS. Basically the submitting jurisdiction has authority to submit the laws and we don't really have a way of determining at what point in time a particular law may be enacted or how often that is done. The statute covers all localities from a national and statewide level and also the county, city and local level, and we really have no ability to go out and investigate on an ongoing basis all the laws that are passed pertaining to voting in all those many jurisdictions.

Mr. DWYER. I would imagine that you would have difficulty following county ordinances and local ordinances, but it would seem to me that there must be some available legal reporting service so that you might once or twice a year be able to bring yourself up to date as to what has happened on the state level.

Mr. REYNOLDS. I think that the problem is not nearly so much at the State level as it is at the local levels, county and city ordinances, the kinds of voting changes. I think we do a very good job in terms of the statute pertaining to voting at the State level, and we have a regular communication link with most of the state authorities in order to get that information.

Mr. DWYER. Is there much jurisdiction left to the county and to the local governments concerning voting procedures and so on?

Mr. REYNOLDS. Absolutely. With the 1980 census we had submissions that exceeded 12,000, and I think that over 90 percent of that was in local, county and city local ordinance areas, a vast amount of local legislation which pertains to voting changes.

Any school district, for example, that changes its requirements for electing officials to a school board has to submit that to the Department of Justice for clearance.

Mr. DWYER. My own experience in government would not indicate that a school board itself could change the qualifications for a school board election. That would be done by state statute.

Mr. REYNOLDS. It does vary from state to state.

Mr. DWYER. I am learning something. As a matter of fact, I was going to add at one point the only local influence that I recollect the local governments in my State have in jurisdictions on voting was to designate the location.

Mr. REYNOLDS. That would have to be cleared too.

Mr. DWYER. Public buildings.

Mr. REYNOLDS. Anytime there are changes in the polling places, that also has to be sent in and cleared.

LANGUAGE PROVISIONS ENFORCEMENT

Mr. DWYER. On page 176 of the justifications you discuss the language provisions enforcement responsibilities of the Civil Rights Division. How many cases have been brought by the Division in this area in the last two fiscal years, and what has been the cost of such litigation? You might want to supply that for the record, also.

Mr. REYNOLDS. Certainly.

[The information follows:]

CIVIL RIGHTS DIVISION LANGUAGE PROVISION ENFORCEMENT

The Division has not brought any cases in this area within the last two years. However, during the two-year period we have assisted U.S. Attorneys offices in the litigation of two language provision cases. The U.S. Attorneys are responsible for language provision enforcement under the Voting Rights Act.

CIVIL RIGHTS DIVISION—AUTOMATED SUPPORT

Mr. DWYER. Finally, the request for fiscal year 1984 includes an increase of \$227,000 to upgrade automated information systems capabilities within the Civil Rights Division. We have a report that you still do not have in place an efficient system of computerized records for Section 5 cases. Is this true, and if so, how much of this would be allocated to that project?

Mr. REYNOLDS. I think \$45,000 of that would be allocated to the voting. We have a project underway that involves just the voting section that deals with the automation and the whole problem that you are talking about, microfiche and microfilming.

COMMUNITY RELATIONS SERVICE

Mr. DWYER. It is indicated that the Department of Justice is requesting a separate appropriation for the Community Relations Service. The amount of this request is \$6,314,000 which represents an increase of \$550,000 over the amount appropriated to date for fiscal year 1983. Why couldn't this entire Division be merged with the Civil Rights Division?

Mr. SCHMULTS. I think it has certainly been our experience, Mr. Chairman, that the Community Relations Service is basically inde-

pendent of litigating divisions and indeed the rest of the Department.

It is very helpful to one in terms of effecting mediation or conciliation or getting the parties together when there is the prospect for severe disturbances in a community. I think the fact that they are not a part of either the Civil Rights Division or the Criminal Division or one of the other divisions but almost a quasi-independent consulting or mediating or arbitrating organization, has been extremely helpful to the Department in helping to really prevent disturbances or outbreaks in communities across the nation.

LAND AND NATURAL RESOURCES

Mr. DWYER. For the Land and Natural Resources Division, on page 136 of the justifications, you are estimating that approximately 1500 new tracts of land will be the subject of condemnation proceedings in both fiscal year 1983 and fiscal year 1984. Is this estimate still accurate, in view of the recent decisions to acquire large tracts of land in several states?

Ms. DINKINS. I am Carol Dinkins, head of the Lands Division. We believe that it continues to be an accurate estimate.

Mr. DWYER. If you are anticipating an increase in your workload because of these developments, are the resources that you are requesting in this budget sufficient to handle the increase?

Ms. DINKINS. Yes. When we formulate the resources that we need for land acquisition, we keep in mind the fact that we are committed to a reduction in the caseload in that particular section, and so we look at those very carefully. We still believe that we can continue to reduce them as we have set out, and handle those new cases.

Mr. DWYER. What is the average length of time that a condemnation case is open?

Ms. DINKINS. It now runs around three years.

Mr. DWYER. Further, it is our understanding that many condemnation cases are open for more than three years and the longer the case is open, the larger the award to the private landowner. Have you considered any alternative settlement methods such as binding arbitration that might lead to quicker settlements?

Ms. DINKINS. We have continued to review with our client agencies, who have the largest caseloads pending, any sort of method for handling their acquisition of tracts. So far we believe that the way we are doing it remains the best way, but we stay in constant communication with them to see if there may be a more efficient and thus a better, cheaper way for the government to acquire this land.

Mr. DWYER. Mr. Early, any more questions?

Mr. EARLY. No.

Mr. DWYER. Thank you very much. We have a number of additional questions which we will submit and ask you to answer for the record.

Mr. SCHMULTS. Thank you very much.

[The questions referred to and the answers follow:]

QUESTIONS SUBMITTED BY MR. DWYER

General Legal Activities

Civil Division

Requested Increases

QUESTION:

The justification material indicates that you are requesting an increase of nine positions and \$7,067,000 for the Civil Division. However, the justifications also indicate that none of the additional funds requested are associated with the requested increase in positions. Can you explain this?

ANSWER:

The requested increase for nine permanent positions which the Civil Division is seeking does not require an increase in funding, but requests a change in employment status of the Division's messengers. The request asks that the number of permanent positions and workyears authorized for full-time permanent staff be increased by nine. At the same time, the request asks that workyears for other than fulltime permanent staff be reduced by nine. Because the budget already provides funding for the nine workyears involved, no increase in funding is necessary.

The nine employees currently providing the messenger services were appointed in 1981 on temporary appointments pending the establishment of a register. As such, until early 1984, they have and will continue to be counted against workyear authorization for non-permanent employees and paid from the funds for this category of employees. At that time, under OPM established procedures (FPM, Chapter 316, Subchapter 2-2), these employees must be either converted to permanent career status or terminated. The preferred alternative is to convert them to permanent career status. Otherwise we will have no choice but to separate the employees and recruit and train new messengers. This alternative would be a needless waste of trained people.

QUESTION:

Of the total increase of \$7,067,000 requested, \$6,148,000 is for automated litigation support activities. How much have we spent on this program to date and if this request is approved, will this complete the funding of the program?

ANSWER:

Much of the litigation which the Division handles involves massive volumes of discovery, evidentiary and transcript documents which our attorneys must be able to acquire, screen, organize, store, manipulate, rearrange, analyze and retrieve. For example, the asbestos related cases which we are now handling involve an estimated 700 million evidentiary documents and during 1983 alone are expected to produce in excess of 50,000 pages of transcripts. It simply is

not possible, even with an astronomical increase in staff, to use traditional manual library and information processing techniques to manage and handle such volumes of data. If we are to be successful in defending the Government in such cases which involve billions of dollars in claims against the Treasury, we must be able to use electronic data processing techniques to manage these large document collections. This process was begun in the Division in 1982 and with the funding increase we are seeking for 1984 we expect to be able to apply these techniques to about 5,400 or 13 to 15 percent of the cases pending during 1984.

In 1982 the Division spent \$3,244,000 on automated litigation support. Of these funds, \$2,183,000 were provided by the Congress through a supplemental appropriation and the balance of \$1,061,000 was taken from regular appropriations. These funds were used to provide automated document handling in four of our largest families of cases; asbestos, radiation, student loan frauds and Agent Orange.

In 1983 we anticipate spending \$1,142,000. The majority of these funds will be spent for the same four families of cases for which the 1982 funds were spent. We plan, however, a limited expansion of the program during 1983 to other families of cases such as toxic substances and aviation disasters. The funds to be spent for this program during 1983 will all come from the regular appropriation. The Continuing Resolution which provides funds to the Department for 1983 did not provide the \$2,291,000 supplemental funding requested for the program.

The \$6,148,000 which is being sought for this program for 1984 will permit expansion of the program to all of the families of cases which involve large collections of documentary evidence large numbers of claimants, numerous and/or lengthy interrogatories and depositions and lengthy hearings and trials.

The Civil Division's automated litigation support program represents a basic change in the manner in which the Division will handle a major share of its litigation for the foreseeable future. We anticipate that funds for this program will be a part of every future budget request. The level of funding in each future year will be based on an analysis of the costs to provide such services for cases to be handled during that year and the level of funding already available for this purpose.

This program is not an appendage to what our attorneys normally do; rather it is a better way of conducting certain aspects of litigation. The program will enable us in 1984 and the outyears to forgo some staff increases which we would otherwise have to seek. More significant, however, is that it will enable us to maintain and improve the quality of the legal services we provide to the entire Federal Government. For example, the system will permit an attorney to conduct a computer search of a million records within a minute to locate a particular record or all records meeting a given condition. It will search the indexes of these million documents in less than 5 seconds for all occurrences of a given name, date, organization, subject or other item. The manual search of these same documents for the same information would require several weeks of effort by several personnel. Similarly, it will permit many attorneys working at many locations access to the same documents at the same time and enable them to keep track or recall evidentiary trails, introductions of

exhibits, challenges to exhibits, stipulations, and other complex events and occurrences. Much of our litigation is of long duration; is multidistrict, complex and/or large, involves use of the same document collections in numerous cases; and involves multiple plaintiffs and/or defendants. The program also aids in overcoming many of the human risks which we face in this type of litigation such as the loss of attorneys who will take knowledge with them which is not otherwise recorded.

QUESTION:

What would be the consequences of not approving this request?

ANSWER:

The ultimate consequences of not approving this request will be to increase the outlays from the federal budget by incalculable billions of dollars and reduce the amount of money which is recouped to the Treasury.

The immediate and direct result of not approving this request would be to weaken substantially the Civil Division's ability to defend the federal budget in several important ways. In most of the defensive litigation for which the Division is responsible the plaintiffs are seeking cash payments from the Government, expansion of entitlements under federal programs or weakened federal revenue measures. These cases collectively involve well in excess of a hundred billion dollars in exposure. In a majority of affirmative cases the Division is attempting to recoup money lost to the Treasury through waste, fraud and abuse or damage or injury to Government property. These suits presently involve claims in excess of \$4 billion. Another important purpose of this affirmative litigation is to deter similar losses in the future.

Increasingly our opponent, the private bar, is using automated litigation support techniques to prosecute their claims and defend their clients. The completeness of discovery and the ability to depose witnesses, conduct interviews, prepare interrogatories, search transcripts, research facts and conduct effective trials are all greatly enhanced by the application of these techniques. If the Government is to remain competitive with its litigation opponents it must be able to manage and conduct these aspects of litigation with the same or higher degrees of completeness, thoroughness and timeliness. This can only be achieved through the use of computers.

Over the past two years the caseload of the Civil Division increased by almost 30 percent. It will increase by an equal percentage over the next two years. In actual numbers this represents an increase in pending cases from slightly more than 23,000 at the beginning of 1981 to almost 38,000 by the end of 1984. Not only is the volume of cases and consequently the dollars at issue increasing at an astronomical rate but the cases are becoming more complex. Except for the transfer and reprogramming of some resources to support the newly assigned caseload in immigration and consumer litigation, we have been able to handle this staggering growth in workload without increasing our staff.

Our ability to handle such growth efficiently, assume broader litigative responsibilities, and maintain and improve our litigative

effectiveness is largely attributable to two factors; the high quality of the litigators and litigation managers and the development and implementation of innovative programs to enhance the management and productivity of our resources. This includes the extensive use of computer technology to increase human productivity and information management.

The present staff of the Civil Division is inadequate to continue to handle the volume of complex cases without the continuation and expansion of the automated support programs for which this funding is requested. Similarly, because the documents, transcripts and other information to be computerized will be available to the U.S. Attorneys handling similar cases, the requested funds will also support the workload demands on those offices. Our estimate is that full funding of this program with the funding increase being sought for office automation permitted us to forgo a 1984 staffing increase of 140 positions and \$6.6 million.

If we had elected to seek the staffing increases discussed above instead of funding for the automated litigation support program, we would still be unable to maintain or achieve the level of efficiency and effectiveness which this program is expected to produce. To approach even a level of simple organization of documents and information which can be achieved with the funds we have sought would require literally hundreds of additional clerical employees. Attorneys, paralegals and support personnel are simply unable to store, manipulate and retrieve the vast amounts of information involved in our cases without the aid of computers.

ADP Efficiencies

QUESTION:

The increase requested also includes \$769,000 for ADP hardware and software to enhance the productivity of existing Civil Division personnel. How many additional personnel in the Division would we be able to forgo with these additional resources?

ANSWER:

Over the past three years the Division has developed and implemented programs to modernize and automate its word processing, case management, attorney timekeeping and management service activities. Last year we developed and began implementation of a comprehensive plan to merge these separate systems as well as our automated litigation support and public and private legal research systems into a single integrated system. The integrated system will make all of these systems available to each of our attorneys, paralegals and support personnel through executive and clerical terminals located at the workstation of each employee. Through this workstation system each employee will be able to access all of the automated systems. The system will also include local and long distance communications, information query and retrieval, high speed printing, automatic letter writing and electronic mail. The system has already demonstrated its capability to increase both clerical and attorney productivity and effectiveness in the parts of the Division where it has been installed. The increases which we are seeking for 1984

will enable us to lease the additional equipment necessary to expand the system throughout the Division. This system, in combination with the automated litigation support program for which we are seeking funding in 1984, enabled us to avoid seeking a 1984 staffing increase of 140 positions and \$6.6 million.

Upgrading of Positions

QUESTION:

The requested increase also includes \$150,000 to upgrade existing positions to provide for the planning, management and oversight of the expanded litigation support and ADP efforts. How many positions are involved in this request? How much of an upgrading are you proposing in each case?

ANSWER:

This increase of \$150,000 is to enable us to upgrade eight of our existing positions. These eight positions, which will be vacated through attrition, are presently occupied by GS-5 and GS-6 clerical employees and will be filled by GS-12 computer specialists, computer programmers and litigation support specialists. We are seeking funds to cover that portion of the pay differential which cannot be absorbed within the current budget. The differential is approximately \$170,000 and we are seeking an increase of \$150,000.

QUESTION:

The Office of Personnel Management has recently made several studies of the existing federal civil service grade structure and I believe that they have concluded that in general the grade structure is too high. Has this proposal to upgrade these positions been approved by the Office of Personnel Management?

ANSWER:

This upgrading involves filling vacancies created by attrition with professional staff rather than refilling them by clerical employees. They will, of course, be filled through the competitive personnel procedures established by OPM but the specific actions do not require the prior approval of OPM.

The action could result in a slight escalation of the average grade of employees of the Civil Division. The maximum possible escalation which could result would be to increase the grade point average for our full-time permanent staff by .08. This increase, however, will be offset by the simultaneous conversion of our messengers to full-time permanent status. These employees are at grade levels GS-2 and GS-3. The net effect of both planned actions will reduce our grade point average for full-time permanent staff by .05.

Requests to Institute Litigation

QUESTION:

On page 110 of the justifications you state that the Civil Division receives a large number of requests from other agencies to institute litigation. For 1982, could you tell us how many requests were received and how many were accepted and how many were declined? What were some of the most prevalent reasons given for declining to accept such cases?

ANSWER:

Until the beginning of 1984, the Division's automated case management system will not contain docketing and tracking information on all referrals for affirmative litigation made to the Department by the various federal agencies. At that time a program will be added to the system which will enable the monitoring of all litigation reports received from the agencies and provide the type of information you have requested on a case-by-case basis. The present system can only produce this type of data in selected areas of litigation such as fraud.

For 1982 we estimate that the Federal Program Branch, which is the subject of your inquiry, received approximately 200 litigation reports requesting the initiation of affirmative suits. Declinations of requests are very rare and management officials of the Branch indicate no occasions in 1982 where there was a declination to bring a suit requested by an agency. There have been rare instances in which, after analysis of the background and careful review with the agency, an agency has withdrawn a referral.

The number of suits initiated as a result of these referrals during a given year does not necessarily equate to the number of referrals because of the time needed to evaluate the agency request and initiate the suit. In 1982, the Federal Programs Branch initiated 251 such suits as a result of requests received late in 1981 and throughout 1982.

QUESTION:

To what extent are attorneys of other agencies used in such litigation and what is the criteria for using these attorneys?

ANSWER:

The Division has developed a variety of mechanisms, both formal and informal, to make every possible use of agency attorneys to assist in the conduct of litigation. The overriding principal in all these arrangements, however, is to preserve the authority of the Attorney General as the Cabinet official responsible for representing the Government in the courts. In all such arrangements, the ultimate authority of the Attorney General has been preserved and the actions of the agencies are taken under the substantive and procedural direction of the Department of Justice.

In the areas of litigation for which the Federal Programs Branch is responsible, we have developed memoranda of understanding with some agencies such as the Departments of Labor and Energy to initiate affirmative litigation in selected program areas. The memoranda under which these suits are brought contain standards which regulate the allocation of responsibility between the agencies and the requirements which the agencies must follow in exercising the litigation responsibilities assigned to them.

In other parts of the Division we have different types of arrangements with various agencies which involve the appointment of agency attorneys as Special Assistant U.S. Attorneys to appear in court on behalf of their own agency in specific cases. These appointments are usually made on the basis of agreements reached by Division litigation managers and the General Counsel of the agency involved and represent a joint judgment that the particular agency attorney has the skills necessary to appear in court on the specific case and to deal effectively with the substantive and legal issues in the case. At most times the number of Special Assistant U.S. Attorneys working on cases under the jurisdiction of the Civil Division ranges from 25 to 50. In these cases, a senior level Civil Division attorney serves as a consultant and case reviewer and maintains oversight as the litigation proceeds.

We have found these arrangements to be extremely helpful in extending the Department's litigation capabilities. They also provide valuable learning experiences for the agency attorneys and aid in enhancing the overall quality of legal services within the agencies.

QUESTIONS SUBMITTED BY MR. ALEXANDER

General Legal Activities

Criminal Division

Foreign Agents Registration Act

QUESTION:

When the Attorney General was here before the Committee we discussed the recent publicity over your decision to require three Canadian films to be labeled.

Was the action taken against the three films—two on the subject of acid rain and one on the subject of nuclear war — taken under the authority of Chapter 11, Subchapter II of Title 22 of the United States Code, dealing with the registration of foreign propagandists?

ANSWER:

The action taken in connection with the three films was taken solely pursuant to the provisions of the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. 611 et seq.

QUESTION:

When the Attorney General was before us, he stated that the Department does not require that a label bearing the work "propaganda" or the words "political propaganda" to be enclosed to the films, but that you do require a label that points out that the film was produced by a foreign government or the agent of a foreign government. What, exactly does the label you require to be enclosed say?

ANSWER:

The following is the suggested wording for the disclaimer that the Department provides to registrants, that includes all the information required by Section 4(b) of the Foreign Agents Registration Act.

This material is prepared, edited, issued or circulated by (name and address of registrant) which is registered with the Department of Justice, Washington, D.C., under the Foreign Agents Registration Act as an agent of (name and address of foreign principal). Dissemination reports on this film are filed with the Department of Justice where the required registration statement is available for public inspection. Registration does not indicate approval of the contents of this material by the U.S. Government.

QUESTION:

These labels are being required under your interpretation of the requirements of Chapter 11, Subchapter II of Title 22 of the U.S.C. and this chapter authorizes you to label material only if it is adjudged to be political propaganda — is that not correct?

The provisions of the Foreign Agents Registration Act require an agent of a foreign principal required to register under the Act to label any political propaganda transmitted in the U.S. mails or by any means or instrumentality of interstate or foreign commerce.

The initial determination as to whether material being disseminated falls within the definition of political propaganda is made in most instances by the registrant. The Department does advise registrants to label material which it determines to be within the definition. In summary, material determined to be "political propaganda", by either the registrant or the Department, is required to be labeled if it is disseminated by a registered agent of a foreign principal.

QUESTION:

Many of our foreign allies have a government policy of encouraging international trade with us or of encouraging tourism. These are government policies and they are from time to time, and in some cases, frequently promoted through the use of films, booklets and so forth that are financially supported by the foreign government. These materials are designed to influence a segment of the American public.

How often does the Department of Justice review such material?

ANSWER:

It would be impossible to provide a meaningful estimate of the number of brochures, releases, booklets and other publications reviewed by the Registration Unit each year. All registrants are requested to submit samples of materials which they disseminate on behalf of their foreign principals every six months when they file their supplemental statements. In addition to these filings, and, of course, those regularly submitted as a result of being determined to be within the definition of political propaganda, some registrants send materials to the Registration Unit with a request for a determination on political propaganda, and others have put the Registration Unit on their regular mailing lists for disseminations on behalf of the foreign principals. The number of documents reviewed is very high, well into the thousands.

QUESTION:

How often has such material been required to be labeled under the "political propaganda" labeling program?

ANSWER:

The frequency of political propaganda determinations is more readily determined in reference to the percentage of registrants than by actual number of documents reviewed. Throughout 1981, there were 737 registrants representing 1388 foreign principals. Our records indicate that political propaganda was disseminated on behalf of 125 foreign principals, approximately 9 percent of the total.

Films Labeled for Past Six Years

QUESTION:

Please provide for the Committee a list of all the films which the Department has required to be labeled under the provisions of Chapter 11 of Title 22 of the U.S.C. during the past six years and include a brief summary of the content of the film.

ANSWER:

Some film descriptions are based on notes taken by Registration Unit employees who received the films. Those descriptions marked * are provided by the registrants.

*Berlin Means Business and More - The economic importance of Berlin as its products are used universally is the topic of this informative feature. Concern with the manufacture of products, design, crafts, etc., is shown. The presentation points out Berlin's accessibility to other cities in Europe and the rest of the world.

*City of Crisis - A portrait of the divided city of Berlin in form of a news report from a British point of view.

Hong Kong Style - Some history of Hong Kong, growth as manufacturing center, social benefits to all, contribution of investments from abroad.

Made In Hong Kong - Manufacturing success - human benefits, government role.

A Race Against People - Immigrants, human problems - how government assisted, manufacturing increase provides opportunities.

A Million Lights Shall Glow - Growth as trade center has resolved human problems, success in exports.

Israel Air Force - A day with a battle squadron, pilot training.

*A Conversation With Golda Meir - Here is a unique opportunity to see and hear one of the most important world leaders of the 20th century -- Golda Meir, former Prime Minister of Israel. Mrs. Meir speaks candidly on a variety of subjects. The film illuminates, through Mrs. Meir's discussion, Israel's desire for a lasting peace.

*Aggression and Resistance - Film on the 1975 - 76 war and the 100 day war (1978) in Lebanon.

*What a Time - A brief view of Rhodesian history from the beginning to the present; deals with what is happening in Rhodesia now and how the Rhodesians cope with the situation.

*Face of Rhodesia - Shows the intermingling of Rhodesians of different backgrounds and race in a variety of activities. The film gives a good overall view of Rhodesians involved in education, recreation, agriculture and industry.

*Viscount Survivor - An interview with one of the survivors of the first Air Rhodesia Viscount to be shot down by terrorist rockets.

*Doppies - An interview with a terrorist by the international press in Salisbury.

*Chimoio Report - This film is a short taken by one of Rhodesia's cameramen of the raid into Mozambique.

*Rhodesia Unafraid - Outlines why Rhodesians feel that they are fighting for the good of the country and gives a good view of how the terrorists are trained and how they operate.

*Election 1979 - This film briefs the viewer on the process and procedures leading up to the 1979 one-man-one-vote election in Zimbabwe Rhodesia. It shows people celebrating while waiting to cast their vote amongst long lines and the opinions of several of the observers as to the validity of the elections.

*R.B.C. - T.V. Survey - The Rhodesian Broadcasting Corporation's survey on the agreement reached on majority rule with Dr. Kissinger in 1976.

*This is Rhodesia - Shows life in Rhodesia under sanctions. Also shows examples of the country's natural beauty.

*Gaza Report - Film showing Rhodesian Forces destroying one of the five major road and rail bridges that were attacked during an operation on September 5, 1979 in the Gaza province of Mozambique.

*Tsanga - Film showing the Tsanga Lodge run by Lt. and Mrs. Paget. The Lodge sees to the recuperation and repatriation to normal life of Rhodesian troops who have been wounded in action. The two central characters are a white soldier who has lost a leg and a black soldier who is recovering from gunshot wounds.

*African Powerhouse - South Africa is responsible for more than half the gross industrial output of the entire African continent. This overview of its varied industrial substructure is an impressive picture of progress achieved in developing a modern technology and manufacturing economy that makes the Republic one of the 26 industrially developed countries of the world.

*Land of Promise - This definitive report on South Africa today covers all aspects of life in the Republic: city and rural life, business and trade, its ethnic populations and other key subjects. South Africa's identity as one of the world's 26 industrialized nations and its role as an important maritime nation are expressively shown.

*Vision of Gold - South Africa's gold mining over the past 90 years is captured with a theatrical flair. Historical film reflects the story of the gold rush, capturing the humor and the pathos of the event that catapulted South Africa into a modern industrial state.

The following description is from the National Film Board of Canada's U.S. Film Resource Guide:

If You Love This Planet - This film records a lecture given to American students by outspoken nuclear critic, Dr. Helen Caldicott, U.S. President of Physicians for Social Responsibility. Her message is clear: Disarmament cannot be postponed. Archival film footage of the bombing of Hiroshima and images of its survivors seven months after the attack heighten the urgency of her message: namely, that unless we shake off our indifference and work to prevent nuclear war, we stand a slim chance of surviving the twentieth century.

The next two film descriptions are a combination of the National Film Board of Canada's Canadian Film Resource Guide and staff recollection.

Acid from Heaven - A case study of a person whose income was cut-off because of acid rain. In layman's terms it provides information concerning this little known form of pollution. It describes acid rain as a political problem and encourages viewers to contact politicians and leaders of industry to let them know something should be done about acid rain.

Acid Rain: Requiem or Recovery? - The purpose of this film is to increase public awareness of the threat to the North American environment posed by acid rain by destroying woods, water and wildlife. While it uses graphs, maps and scientific experiments to examine what acid rain is, where it originates and how it threatens natural life and manmade environment, it also encourages viewers to do something about acid rain by bringing public pressure onto boardrooms and legislatures.

These descriptions are based on transcripts, rather than review of the tapes.

The Pacific Lifeline - U.S. food exports to Japan.

How Exports Create Jobs - How the U.S. benefits from exporting to Japan.

Persian Gulf Oil - Dependence on oil imports.

How We're Selling More to Japan - Opportunities to increase exports to Japan.

Ever Sell Overseas? - The value and range of U.S. products exported to Japan.

What is Japan Doing About Energy? - Japanese efforts to conserve energy.

To provide more detailed descriptions, the Criminal Division would be required to review many of the films again. This would entail a time-consuming and labor-intensive process since the Department neither maintains copies nor detailed descriptions of the films. In addition, the process would entail expenditures and inconveniences to the film distributors.

The following charts list films which fell within the labeling requirements for which reports have been filed for the years indicated:

List of films that have been determined to fall within the labeling requirements of the Act and/or for which dissemination reports have been filed during the years indicated.

Film	Foreign Principal -	Foreign Agent	1977	1978	1979	1980	1981	1982	1983
<u>Berlin Means Business and More</u>	Berlin Economic Development Corporation	Modern Talking Picture Service					X	X	
<u>Crisis In the Rain</u>	Ontario Ministry of the Environment	Modern Talking Picture Service					X	X	X
<u>President Chiang Kai-Shek</u>	Coordination Council for North American Affairs	Public Service Audience Planners					X		
<u>The Wall of Terror</u>	German Consulate General	Association Films	X						
<u>Berlin-Destiny of A City</u>	"	"	X						
<u>A City of Crisis</u>	"	"	X						
<u>Israel in Germany</u>	"	"	X						
<u>Hong Kong Style</u>	Government of Hong Kong	Hong Kong Tourist Association	X		X	X	X		
<u>Made In Hong Kong</u>	"	"	X			X			
<u>A Race Against People</u>	"	"	X		X		X		
<u>A Million Lights Shall Glow</u>	"	"	X	X	X	X	X		
<u>Home At Last</u>	Consulate General of Israel	Jerome Shapiro d/b/a Alden Film, et al.	X	X	X	X	X	X	
<u>Israel Air Force</u>	"	"	X	X	X	X	X	X	

<u>Film</u>	<u>Foreign Principal</u>	<u>Foreign Agent</u>	<u>1977</u>	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>
<u>May Peace Begin With Me</u>	Consulate General of Israel	Jerome Shapiro d/b/a Alden Films, et al.	X	X	X	X	X	X	
<u>Beyond The Mirage</u>	"	"	X	X	X	X	X	X	
<u>Go Through the Gates</u>	"	"	X	X	X	X	X	X	
<u>War on Yom Kippur</u>	"	"	X	X	X	X	X	X	
<u>Plight of Soviet Jewry; Let My People Go</u>	"	"	X	X	X	X	X	X	
<u>A Conversation With Golda Meir</u>	"	Modern Talking Picture Service							X
<u>Korea In Review</u>	Korean Consulate	Association Films	X	X	X	X	X		
<u>The Flag of Freedom</u>	"	"	X	X	X	X	X		
<u>Ties Across the Pacific</u>	"	"	X	X	X	X	X		
<u>Axe Murders at Panmunjom</u>	"	"	X						
<u>Aggression and Resistance</u>	Lebanese Forces	Lebanese Information and Research Center					X	X	
<u>Edge of Understanding</u>	Rhodesian Information Service	Association Films	X	X					
<u>What A Time</u>	Government of Rhodesia	Rhodesian Informa- tion Office			X	X			
<u>Face of Rhodesia</u>	"	"			X	X			
<u>Viscount Survivor</u>	"	"			X				

<u>Film</u>	<u>Foreign Principal</u>	<u>Foreign Agent</u>	<u>1977</u>	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>
<u>Doppies</u>	Government of Rhodesia	Rhodesian Information Office			X				
<u>Chimoio Report</u>	"	"			X				
<u>Rhodesia Unafraid</u>	Government of Zimbabwe Rhodesia	Zimbabwe Rhodesian Information Office			X				
<u>Election 1979</u>	"	"			X				
<u>R.B.C. - T.V. Survey</u>	"	"			X				
<u>This Is Rhodesia</u>	"	"			X				
<u>Gaza Report</u>	"	"				X			
<u>Tsanga</u>	"	"				X			
<u>African Powerhouse</u>	Information Service of South Africa	Association Films	X	X	X	X	X		
<u>Land of Promise</u>	"	"	X	X	X	X	X		
<u>Vision of Gold</u>	"	"	X	X	X	X	X		
<u>Bantu Toddlers</u>	"	"	X						
<u>Mosaic of Progress - South Africa Today</u>	South Africa Department of Information	Image Industries, Inc.	X	X					
<u>Strategic Minerals</u>	South African Consulate	Modern Talking Picture Service							X
<u>Ballad of a Soldier</u>	Sovexportfilm	Artkino Pictures, Inc.	X						

<u>Film</u>	<u>Foreign Principal</u>	<u>Foreign Agent</u>	<u>1977</u>	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>
<u>Potemkin</u>	Sovexportfilm	Artkino Pictures, Inc.	X						
<u>Alexander Nevsky</u>	"	"	X						
<u>Crime & Punishment</u>	"	"	X						
<u>Ten Days That Shook the World</u>	"	"	X						

The following TV Public Service Announcements, in the form of videotapes, on U.S.-Japan Trade were distributed by Donald Lerch & Company on behalf of the Government of Japan:

The Pacific Lifeline

How Exports Create Jobs

Persian Gulf Oil

How We're Selling More to Japan

Ever Sell Overseas?

What is Japan Doing About Energy?

Trade -- Who Needs it?

What Makes a Job

Labeling of Tourist Literature

QUESTION:

If you do not label a travelogue produced by a foreign government to help persuade Americans to cooperate with their political policy of encouraging tourism, but you do label a film of acid rain, which is a national public issue in the U.S. and has been for some years, what are the factors which make you take different decisions in these cases?

ANSWER:

Although, arguably, tourist literature is within the meaning of Section 1 (J) of the Act, for many years such material has been granted an across the board "administrative exemption" from the filing, labeling and reporting provisions of Section 4 of the Act for several reasons -

- the source and purpose of such literature is of necessity most obvious;
- the resources of the Registration Unit are inadequate to process and maintain the volumes of material regularly disseminated to promote tourism;
- tourist promotion, in sharp contrast to issues such as a acid rain, is rarely an issue of public debate or concern.

QUESTION:

Who provides you with the films and other materials which you decide must be labeled, or do not have to be labeled, under the provisions of Chapter 11 of Title 22 of the U.S.C.?

ANSWER:

The films, brochures and other materials are sent to the Registration Unit by the registrants.

Registration Unit's Resources

QUESTION:

How much of your current year budget is allocated to the administration of Chapter 11 of Title 22 of the United States Code? How much of your 1984 budget request is allocated to this purpose?

ANSWER:

The Registration Unit's FY 1983 budget allocation is \$878,000 out of the total Criminal Division budget of \$36,446,000 or 2.4 percent. The figures for FY 1984 are \$934,000 out of \$40,130,000 or 2.3 percent.

The review of printed material and films consumes approximately 5 to 10 percent of the Unit's available time and resources.

QUESTION:

How many of the Department's personnel are involved in the administration of Chapter 11? Are they all located in Washington, or are some of them located elsewhere and if they are located elsewhere please identify the other-than-Washington locations and the number of personnel at each.

ANSWER:

The Registration Unit is presently composed of 17 personnel: 5 attorneys, 3 auditors, 3 paralegals, 1 investigator and 5 secretaries.

All 17 individuals in the Unit are located in Washington, D.C.

MONDAY, MARCH 21, 1983.

U.S. ATTORNEYS

WITNESSES

WILLIAM P. TYSON, DIRECTOR, EXECUTIVE OFFICE FOR U.S. ATTORNEYS
FRANCIS X. MALLGRAVE, ASSISTANT DIRECTOR, EXECUTIVE OFFICE
FOR U.S. ATTORNEYS

EDWARD A. MOYER, FINANCIAL MANAGER, EXECUTIVE OFFICE FOR U.S.
ATTORNEYS

KEVIN D. ROONEY, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRA-
TION

CHARLES R. NEILL, CONTROLLER

JOHN R. SHAFFER, DIRECTOR, BUDGET STAFF

Mr. DWYER [presiding]. We will next consider the fiscal year 1984 budget for salaries and expenses for United States Attorneys and Marshals. The fiscal year 1984 request is \$362,707,000 which represents an increase of \$31,726,000 above the amount appropriated for fiscal year 1983.

The fiscal year 1984 request includes funds for two program items as follows: United States Attorneys, \$248,273,000 and United States Marshals, \$114,434,000. There is no request for fiscal year 1984 for the United States Trustees program. We shall insert at this point in the record the entire set of justifications covering the request for the United States Attorneys and United States Marshals.

[The justification materials follow:]

(1321)

Department of Justice

Legal Activities
Salaries and expenses, U.S. Attorneys and Marshals
Estimates for Fiscal Year 1984

Table of Contents

<u>Item</u>	<u>Page</u> <u>(Number)</u>
Summary Statement.....	1
Justification of Proposed Language Changes.....	2
Crosswalk of 1983 Changes.....	4
Summary of Requirements.....	5
Status of Congressionally Requested Studies, Reports and Evaluations.....	6
Detail of Permanent Positions by Category.....	7
Summary of Adjustments to Base.....	8
Justification of Adjustments to Base.....	9
Financial Analysis - Program Changes.....	15
Summary of Requirements by Grade and Object Class.....	16
 <u>U.S. Attorneys</u>	
Organization Chart.....	18
Crosswalk of 1983 Changes.....	19
Summary of Requirements.....	20
Summary of Adjustments to Base.....	21
Summary of Resources by Program.....	22
Justification of Program and Performance.....	23
Program Rankings.....	33
Detail of Permanent Positions by Category.....	34
Financial Analysis - Program Changes.....	35
 <u>U.S. Trustees</u>	
Organization Chart.....	36
Crosswalk of 1983 Changes.....	37
Summary of Requirements.....	38
Summary of Resources by Program.....	39
Justification of Program and Performance.....	40
Detail of Permanent Positions by Category.....	42
Financial Analysis - Program Changes.....	43

<u>U.S. Marshall</u>	<u>Page</u>	<u>Number</u>
Organization Chart.....	44	
Crosswalk of 1983 Changes.....	45	
Summary of Requirements.....	46	
Summary of Resources by Program.....	47	
Justification of Program and Performance.....	48	
Program Rankings.....	63	
Detail of Permanent Positions by Category.....	69	
Financial Analysis - Program Charges.....	70	

Legal Activities
U.S. Attorneys and Marshals
Summary Statement
Fiscal Year 1984

For the U.S. Attorneys and Marshals appropriation, a total of \$362,707,000, 6,665 permanent positions, and 6,758 workyears is requested. This request represents an increase of \$20,116,000 and decrease of 149 positions and 63 workyears over the 1983 anticipated appropriation. This appropriation comprises three activities: the U.S. Attorneys, the U.S. Trustees (Bankruptcy Matters), and the U.S. Marshals.

1. U.S. Attorneys—responsible for the prosecution of criminal offenses against the United States and the representation of the U.S. Government in civil actions, suits or proceedings in which the United States is concerned. A program increase of \$3,488,000, 32 permanent positions, and 24 workyears is requested. This increase will enhance the U.S. Attorneys' capacity to handle an increasing civil litigation workload and to fund increasing costs required by the Right to Financial Privacy Act and amendment of the Federal Rules of Criminal Procedure.
2. U.S. Trustees—responsible for administering bankruptcy cases in 18 pilot judicial districts. A program decrease of \$8,261,000, 167 permanent positions, and 155 workyears is requested. This program decrease represents the termination of the pilot U.S. Trustees program by September 30, 1983.
3. U.S. Marshals—responsible for protection of the federal judiciary, protection of witnesses, service of process, execution of warrants, and the custody and transportation of unsentenced prisoners. The request for the Marshals Service represents a net program increase of \$2,844,000, and a net decrease of 19 permanent positions and 27 workyears. These net program changes result from a program increase of 31 permanent positions, 23 workyears, and \$3,913,000 for the security support program and a program decrease of 50 permanent positions, 50 workyears, and \$1,069,000 as a result of a reduction in the service of private process by the Marshals Service.

Legal Activities
Salaries and expenses, U.S. Attorneys and Marshals
Proposed Authorization Language

The U.S. Attorneys and Marshals are requesting the following authorization language:

For United States Attorneys and Marshals, including--

- (A) purchase of firearms and ammunition;
- (B) lease and acquisition of law enforcement and passenger motor vehicles without regard to the general purchase price limitation for the current fiscal year;
- (C) supervision of United States prisoners in non-Federal institutions;
- (D) bringing to the United States from foreign countries persons charged with crime; and
- (E) acquisition, lease, maintenance, and operation of aircraft:

\$362,707,000.

Legal ActivitiesSalaries and expenses, U.S. Attorneys and MarshalsJustification of Proposed Changes in Appropriation Language

The 1984 budget estimates include the proposed changes in appropriations language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and expenses, United States Attorneys and Marshals

For necessary expenses of the offices of the United States attorneys[,] and marshals[, and bankruptcy trustees]; including acquisition, lease, maintenance, and operation of aircraft, [\$30,981,000],

\$32,707,000

Explanation of changes:

The bankruptcy trustees program has been recommended for termination at the end of 1983. Since funds are not requested for this program in 1984, appropriation language authorizing the bankruptcy trustees is unnecessary.

Legal Activities
Salaries and expenses, U.S. Attorneys and Marshals

Grosswalk of 1983 Charges
(Dollars in thousands)

Activity/Program	1983 President's Budget Request		Congressional Appropriation Actions on 1983 Request		Reprogrammings		1983 Pay Supplemental Requested		1983 -Appropriation Anticipated	
	Pos.	WY Amt.	Pos.	WY Amt.	Pos.	WY Amt.	Pos.	WY Amt.	Pos.	WY Amt.
1. U.S. attorneys..	4,538	4,449 \$222,472	22	17	-2,397	...	...	...	4,560	4,466 \$227,452
2. Bankruptcy matters.....	...	...	167	155	7,500	...	...	...	167	155 7,696
3. U.S. marshals..	2,037	2,150 107,859	50	50	-3,653	...	...	...	2,087	2,200 107,443
Total.....	6,575	6,599 330,331	239	222	1,450	...	...	...	6,814	6,821 342,591

Explanation of Analysis of Charges from 1983 Appropriation Request

Congressional Appropriation Actions

Congressional action shown for the U.S. Attorneys reflects: (1) the transfer of 22 positions and \$800,000 from the District of Columbia's appropriation for the D.C. U.S. Attorney's Office in accordance with the provisions of P.L. 97-378; (2) a \$2,950,000 reduction of the SLUC request, and; (3) a \$247,000 reduction of the amendment request.

Congressional action shown for the U.S. Trustees reflects Congressional intent to maintain the pilot U.S. Trustees program through September 30, 1983.

Congressional action shown for the U.S. Marshals Service reflects: (1) the restoration of a proposed reduction of 50 positions, 50 workyears, and \$1,029,000 for the service of private process; (2) a \$1,682,000 reduction of the SLUC request, and; (3) a \$3,000,000 reduction of the amendment request for extraordinary details.

Legal Activities

Salaries and expenses, U.S. Attorneys and Marshals

Summary of Requirements
(Dollars in thousands)

Adjustments to base:	1982 Actual		1983 Appropriation		1984 Base		1984 Estimate		Perm. Pos.	Work-Years	Amount
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount			
1983 as enacted.....									6,792	6,804	\$330,981
Transfer from the District of Columbia for the D.C. U.S. Attorney's Office (P.L. 97-378).....									22	17	10,800
1983 Pay supplemental requested.....									...	...	10,810
1983 appropriation anticipated.....									6,814	6,821	342,591
Transfer from the Working Capital Fund for the U.S. Attorney's Docket and Reporting System.....									5	5	...
Uncontrollable increases.....									...	95	23,440
Decreases.....									...	...	-1,205
1984 base.....									6,819	6,921	364,636
Estimates by budget activity	1982 Actual		1983 Appropriation		1984 Base		1984 Estimate		Perm. Pos.	WY	Amount
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount			
1. U.S. attorneys.....	4,527	4,106	4,560	4,466	4,565	4,561	4,597	4,585	32	24	\$3,488
2. Bankruptcy matters.....	147	131	167	155	167	160	...	...	-167	-160	-8,261
3. U.S. marshals.....	2,068	2,163	2,087	2,200	2,087	2,200	2,068	2,173	-19	-27	2,044
Total.....	6,742	6,400	6,814	6,821	6,819	6,921	6,665	6,758	-154	-163	-1,929

Salaries and expenses, U.S. Attorneys and Marshals

Status of Congressionally Requested
Studies, Reports, and Evaluations

1. Section 408 (b) of the Bankruptcy Reform Act of 1978 (P.L. 95-598) requires that, no later than January 3, 1984, the Attorney General shall report on the effectiveness of the U.S. Trustee system, based on studies and surveys of the operation of the program. The data collection phase of an independent evaluation of the program, performed by a contractor, has been completed. A final report should be issued by April 30, 1983.

Legal Activities

Salaries and expenses, U.S. Attorneys and Marshals

Detail of Permanent Positions by Category
Fiscal Years 1982-1984

Category	1982 Authorized	1983 Authorized	Trans. in the Estimates	1984		Total
				Program Increases	Program Decreases	
Attorneys.....	2,079	2,116	...	11	-20	2,107
Paralegal Specialists.....	240	261	...	3	-25	239
Other Legal & Kindred.....	777	765	...	8	-58	715
Criminal Investigators.....	23	23	...	...	...	23
General Inspection, Investigation, Compliance.....	4	4	...	...	...	4
U.S. Marshals.....	1,572	1,583	...	31	-50	1,564
U.S. Trustees or Assistant U.S. Trustees.....	20	20	...	...	-20	...
Bankruptcy Analysts.....	21	20	...	...	-20	...
Other Miscellaneous Occupations.....	5	5	...	...	...	5
Social Sciences, Economics & Kindred.....	10	10	...	...	...	10
Personnel Management.....	31	31	...	...	-1	30
General Admin., Clerical, Offices Services.....	1,809	1,817	5	10	-22	1,810
Accounting & Budget.....	116	116	...	...	-1	115
Information and Arts Group.....	5	5	...	...	...	5
Business & Industry Group.....	15	23	...	...	...	23
Equipment, Facilities, Services Group.....	5	5	...	...	...	5
Supply Group.....	10	10	...	...	...	10
Total.....	6,742	6,814	5	63	-217	6,665
Washington.....	263	277	5	...	-18	264
U.S. Field.....	6,431	6,489	...	63	-199	6,353
Foreign Field.....	48	48	...	...	...	48
Total.....	6,742	6,814	5	63	-217	6,665

Legal Activities
Salaries and Expenses, U.S. Attorneys and Marshals
Summary of Adjustments to Base
(Dollars in thousands)

	Perm. Pos.	Work- years	Amount
1983 as enacted.....	6,792	6,804	\$330,981
Transfer from the District of Columbia for the D.C. U.S. Attorney's Office (P.L. 97-378)...	22	17	800
Pay increase supplemental requested:			
Increased pay costs.....			10,810
Medicare costs.....			342,591
Amount absorbed.....			...
Net pay supplemental.....			...
1983 appropriation anticipated.....	6,814	6,821	...
Adjustments to base:	5	5	...
Transfer from the Working Capital Fund for the Budget and Reporting System.....			...
Uncontrollable increases:			
Annualization of 1983 pay increases.....	...	...	433
Annualization of Executive level pay increases.....	...	...	433
Annualization of Medicare costs.....	...	...	566
Annualization of additional positions approved in 1983.....	...	95	4,038
Administrative salary increases.....	...	...	4,462
Withgrade increases.....	...	...	1,081
Retirement contributions - Social Security (FICA).....	...	...	83
Health benefits costs.....	...	...	327
Federal Employees' Compensation Act (FECA) - Workers' Compensation redistribution.....	...	...	77
Standard level user charges (SLUC).....	...	...	9,084
USA recurring reimbursable services.....	...	...	112
Postal Service redistribution.....	...	...	60
GIP telephone rate increases.....	...	...	20
Telephone system line change increases.....	...	...	56
Federal Telecommunications System (FIS) rate increases.....	...	...	493
Full-field investigations.....	...	...	20
GPO printing costs.....	...	...	68
Departmental telecommunications redistribution.....	...	...	366
Employee data and payroll services.....	...	...	66
Universal pricing level adjustment.....	...	...	1,670
Foreign allowances.....	...	...	...
Total, uncontrollable increases.....	...	95	23,130
Decreases:			
One less compensable day.....	...	...	-750
Recurring costs for change in hourly rate.....	...	...	-46
Total, decreases.....	...	...	-3,322
1984 base.....	6,819	6,921	368,636

1331
1331

Legal Activities

Salaries and expenses, U.S. Attorneys and Marshals

Justification of Adjustments to Base
(Dollars in thousands)

	<u>Perm. Pos.</u>	<u>Work- Years</u>	<u>Amount</u>
	5	5	...

Transfers from other accounts:

1. Transfer from the Working Capital Fund for the U.S. Attorneys' Docket and Reporting System...

This transfer provides for the reassignment of five Office of Information Technology personnel to the Executive Office for United States Attorneys in conjunction with the transfer of operational support responsibility for the Docket and Reporting System. Funding for this function is currently provided for in the U.S. Attorneys' budget.

Uncontrollable increases:

1. Annualization of 1983 pay increases..... .. \$433

This provides for annualization of the October 3, 1982 pay increase contained in Executive Order 12387. Of the pay raise requirement of \$8,720,000, \$437,000 was absorbed in 1983.

2. Annualization of Executive Level pay increases..... .. 403

This provides for the annualization of the January 1, 1983 Executive level pay increase contained in P.L. 97-377. There are 261 compensable days in 1983 and 66 paid days (October 1 through December 31, 1982) were not included in the pay raise. Of the pay raise amount of \$879,000, \$109,000 was absorbed. The calculation of the amount required for annualization is:

66/261 x Annual amount of pay raise.....	\$294,000
1983 Absorption of pay.....	109,000
Total annualization.....	403,000

	Perm. Pos.	Work- Years	Amount																					
3. Annualization of medicare costs.....	\$586																					
This provides for full funding for the 1.3 percent Federal share of the Medicare Hospital Insurance tax to Federal employees as required by P.L. 97-248, the Tax Equity and Fiscal Responsibility Act of 1982. The request of \$586,000 covers the period from October 1 to December 11 which was not funded in 1983.																								
4. Annualization of 384 additional positions approved in 1983.....	...	95	4,028																					
<table><tr><th></th><th>Approved 1983 Increase</th><th>Annualization Required</th></tr><tr><td>Annual salary rate of 384 approved positions...</td><td>\$7,989,000</td><td></td></tr><tr><td>Less lapses (26%).....</td><td>-2,236,000</td><td>\$2,236,000</td></tr><tr><td>Net compensation.....</td><td>5,753,000</td><td></td></tr><tr><td>Associated employee benefits.....</td><td>575,000</td><td>223,000</td></tr><tr><td>Other object classes.....</td><td>6,663,000</td><td>1,569,000</td></tr><tr><td>Total costs subject to annualization.....</td><td>12,991,000</td><td>4,028,000</td></tr></table>					Approved 1983 Increase	Annualization Required	Annual salary rate of 384 approved positions...	\$7,989,000		Less lapses (26%).....	-2,236,000	\$2,236,000	Net compensation.....	5,753,000		Associated employee benefits.....	575,000	223,000	Other object classes.....	6,663,000	1,569,000	Total costs subject to annualization.....	12,991,000	4,028,000
	Approved 1983 Increase	Annualization Required																						
Annual salary rate of 384 approved positions...	\$7,989,000																							
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Net compensation.....	5,753,000																							
Associated employee benefits.....	575,000	223,000																						
Other object classes.....	6,663,000	1,569,000																						
Total costs subject to annualization.....	12,991,000	4,028,000																						
5. Administrative salary increases.....	4,462																					
Assistant United States Attorneys and United States Trustees occupying ungraded permanent positions are, under certain circumstances, granted successive annual pay increases at varying rates until a maximum salary level is reached.																								
6. Within-grade increases.....	1,081																					
This request provides for an expected increase in the cost of within-grade salary increases. This increase is generally consistent with increases experienced within recent years and is approximately one percent above the base for compensation and related benefits for permanent employment. (Personnel compensation \$973,000 and benefits \$108,000 = \$1,081,000).																								

	<u>Ferm. Pos.</u>	<u>Work- Years</u>	<u>Amount</u>
7. Retirement contributions - Social Security (FICA).....	\$83
The requested adjustment permits funding of an increase from \$29,700 to \$31,000 in the base on which earnings for Social Security is calculated. It also funds the rate increase from 6.65 percent to 6.70 percent. This increase is computed for 814 eligible employees.			
After the submission of the budget request, it was found that the maximum salary subject to Social Security taxation was increased to \$32,400 and that the maximum annual employee contribution increased from \$1,975 to \$2,171. These increased costs will be absorbed in 1983.			
8. Health benefits costs.....	327
The Federal Employees Health Benefits Act (P.L. 93-246) provides that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. Effective January 1, 1982, the health insurance carriers raised their rates approximately 13 percent. The requested increase of \$327,000 provides for payment of the average rate percent over the \$2,147,000 now available.			
9. Federal Employees' Compensation Act (FECA) - Workers' Compensation.....	77
The increase reflects the billing provided by the Department of Labor for the actual costs in 1982 of employees' accident compensation. The 1984 amount will be \$1,770,000, or \$77,000 over the 1983 estimate of \$1,693,000.			
10. Standard level user charges (SLUC).....	9,084
Section 106 of P.L. 97-377, Continuing Resolution for 1983, prohibits agencies from paying the General Services Administration (GSA) a higher rate per square foot for the rental of space and services in 1983 than they paid in 1982. In keeping with the Administration's policy that charges for space shall be consistent with market rates, the request includes \$4,632,000 to restore cuts made in 1983 and \$4,452,000 for 1984 price level adjustments and the annualization of the 1983 space inventory.			

	Perm. Pos.	Work- Years	Amount
11. GSA recurring reimbursable services.....	\$112
Payments for heating, ventilation and air conditioning, and guard service over normal requirements are made to GSA on a reimbursable basis. An increase of 25 percent in 1984 based on 1983 estimated costs of \$448,000 yields an uncontrollable increase of \$112,000.			
12. Postal service redistribution.....	60
The Postal Service has advised the Department that the postage rate is not expected to increase before or during 1984. Although no increase is expected for 1984, some redistribution based on the 1982 mail survey taken by the Department has been made between the offices, boards and divisions to correctly charge the using organizations. This redistribution will increase the 1983 charge of \$2,195,000 by \$60,000.			
13. C&P telephone rate increases.....	20
Effective April 21, 1982, the Chesapeake and Potomac Telephone company was granted a rate increase of 19.6 percent for equipment and installation charges in the Washington metropolitan area. This results in an increase of \$20,000 in 1984.			
14. Telephone system line charges.....	56
The cost of providing CENDEX telephone switchboard service to Department users will increase from \$20.10 to \$27.66 per telephone line. A 19.6 percent increase was granted to C&P in 1982, additionally a 30 percent increase is proposed for 1983. An uncontrollable increase of \$56,000 over the 1983 base of \$148,000 is required to cover higher rates in 1984.			
15. Federal Telecommunications System (FTS).....	493
The FTS increase reflects the advance billing provided to the Department of Justice by the General Services Administration. In 1984 the uncontrollable increase will be \$493,000 over the 1983 base of \$5,172,000.			

	Perm. Pos.	Work- Years	Amount
16. Full-field investigations.....	\$20
The Office of Personnel Management (OPM) has notified users of a \$150 increase in the standard rate charged for each full-field investigation over the 1982 base cost of \$1,300. The uncontrollable increase is calculated on average accession of 133 persons per year, for a total cost of \$20,000.			
17. GPO printing costs.....	68
The Government Printing Office (GPO) is currently projecting a five percent increase over the 1983 printing cost of \$1,360,000. An additional \$68,000 will be required in 1984.			
18. Departmental telecommunications redistribution.....	306
Although no rate increase is expected in Departmental telecommunications before or during 1984, a redistribution is necessary to charge using organizations based on actual usage in 1982. This redistribution will increase the 1983 charge of \$1,567,000 by \$306,000.			
19. Employee data and payroll services.....	66
Centralized employee data and payroll services are provided to most departmental organizations. Charges for these services, which include information systems maintenance and payroll accounting, are based on the number of employees paid. The rate of \$110.00 per employee in 1983 has been raised to \$120.94 for 1984. The uncontrollable increase of \$66,000 is based on authorized positions.			
20. General pricing level adjustment.....	1,670
This request applies to OMB pricing guidance as of December 1982 to selected expense categories. The increased costs identified result from applying a factor of 5.3 percent against those sub-object classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, transportation costs and utilities. Excluded from the computation are categories of expense where inflation has already been built into the 1984 estimates.			

	Perma. Pos.	Work- Years	Amount
21. Foreign allowances.....	\$5
<p>Allowances for Government employees in foreign areas are determined by the Department of State. The State Department anticipates a 20 percent increase in 1984. The requested increase of \$5,000 provides 20 percent more than the \$25,000 budgeted for 1983.</p>			
Total, uncontrollable increases.....	...	95	23,480
Decreases (Automatic non-policy):			
1. One less compensable day.....	-750
2. Nonrecurring cost for change in hourly rate.....	-645
<p>This provides for an overall pay adjustment that results from a change in the basis for computing pay for General Schedule employees. Currently, General Schedule pay is computed on the basis of 260 workdays or 2,080 hours although 261 or 262 workdays may occur in a calendar year. For 1984 and 1985, section 310 (b) (1) of the Omnibus Reconciliation Act of 1982 requires that pay be computed on the basis of 2,087 workdays. Budget estimates for 1984 reflect this new basis and were calculated as follows:</p>			
$\frac{\$192,339,000}{2,087 \text{ hours}} \times 2,080 \text{ hours} = \$191,694,000$			
$\$191,694,000 - \$192,339,000 = \$645,000$			
Total, decreases.....	-1,395
Total, adjustments to base.....	5	100	22,085

Legal Activities
Salaries and expenses, U.S. Attorneys and Marshals
Financial Analysis - Program Changes
(Dollars in thousands)

Item	U.S. Attorneys		Bankruptcy Matters		U.S. Marshals		Total	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
<u>Grades</u>								
ES-4.....	...	...	-1	-864	...	...	-1	-864
US/MA-15.....	...	...	-2	-111	...	...	-2	-111
US/MA-14.....	...	...	-10	-463	...	...	-10	-463
US/MA-13.....	...	...	-20	-782	...	...	-20	-782
US-12.....	...	...	-5	-162	...	...	-5	-162
US-11.....	...	...	-11	-314	...	...	-11	-314
US-9.....	3	\$65	-30	-733	14	\$284	-13	-384
US-8.....	...	...	-21	-451	...	...	-21	-451
US-7.....	4	66	-23	-434	...	...	-23	-434
US-6.....	6	90	-16	-271	-33	-547	-52	-915
US-5.....	5	67	-8	-122	...	...	-10	-181
US-4.....	3	36	...	...	...	...	-3	-55
Ungraded positions.....	11	397	-20	-1,082	...	...	3	36
Total positions and annual rates.....	32	721	-167	-4,989	-19	-263	-154	-4,531
Lapse (-).....	-8	-180	7	161	-8	-156	-9	-175
Other than permanent positions.....	...	...	...	-208	...	...	...	-208
Other personnel compensation.....	...	...	...	-55	6	1,901	6	1,846
Total workyears and personnel compensation.....	24	541	-160	-5,091	-21	1,482	-157	-3,068
Personnel benefits.....	49	...	...	-465	-52	-52	...	-468
Benefits for former personnel.....	...	...	...	-12	...	...	...	-12
Travel and transportation of persons.....	22	...	...	-324	...	1,040	...	738
Transportation of things.....	2	...	...	-21	6	6	...	-13
Standard level user charges.....	141	...	...	-1,017	...	...	...	-876
Communications, utilities and other rents.....	126	...	...	-507	...	...	...	-381
Printing.....	14	...	...	-50	...	...	...	-36
Other services.....	2,456	...	...	-432	...	365	...	2,389
Supplies and materials.....	15	...	...	-136	...	3	...	-118
Equipment.....	122	...	...	-206	...	...	...	-84
Total workyears and obligations, 1984.....	24	3,488	-160	-8,261	-21	2,844	-157	-1,929

Legal Activities
Salaries and expenses, U.S. Attorneys and Marshals
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

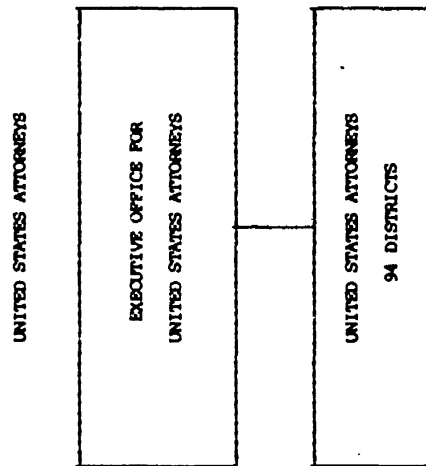
Grade and salary ranges	1983 Estimate		1984 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
Executive Level IV, \$67,200.....	4		4		...	
ES-5, \$65,500.....	2		2		...	
ES-4, \$63,800.....	3		2		-1	
ES-3, \$61,515.....	2		2		...	
ES-2, \$59,230.....	1		1		...	
ES-1, \$56,945.....	1		1		...	
GS/GM-15, \$48,553-63,115.....	28		26		-2	
GS/GM-14, \$41,277-53,661.....	100		91		-9	
GS/GM-13, \$34,930-45,406.....	170		151		-19	
GS-12, \$29,374-38,185.....	143		138		-5	
GS-11, \$24,508-31,861.....	363		353		-10	
GS-10, \$22,307-29,003.....	15		15		...	
GS-9, \$20,256-26,331.....	1,189		1,218		29	
GS-8, \$18,339-23,838.....	202		181		-21	
GS-7, \$16,559-21,527.....	521		501		-20	
GS-6, \$14,901-19,374.....	1,011		997		-14	
GS-5, \$13,369-17,383.....	670		587		-83	
GS-4, \$11,949-15,531.....	250		253		3	
GS-3, \$10,645-13,840.....	55		55		...	
GS-2, \$9,756-12,278.....	6		6		...	
Ungraded positions.....	2,078		2,081		3	
Total, appropriated positions.....	6,814	\$203,190	6,665	\$206,434	-149	\$3,244
Pay above stated annual rates.....	...	665	...	...	...	-665
Lapses.....	-421	-12,776	-360	-14,095	61	-1,319
Net savings due to lower pay scale for part of year.....	...	-443	...	...	...	443
Net full-time permanent.....	6,393	190,036	6,305	192,339	-88	1,703

Legal Activities

Salaries and expenses, U.S. Attorneys and Marshals

Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1983 Estimate Workyears	1983 Estimate Amount	1984 Estimate Workyears	1984 Estimate Amount	Increase/Decrease Workyears	Increase/Decrease Amount
11.1 Full-time permanent.....	6,393	\$190,636	6,305	\$192,339	-88	\$1,703
11.3 Other than permanent:						
Part-time permanent.....	184	4,754	214	5,314	30	560
Temporary employment.....	38	908	33	740	-5	-168
Other part-time and intermittent employment.....	206	5,460	206	5,460	...	...
11.5 Other personnel compensation:						
Overtime.....	271	7,657	310	9,574	39	1,917
Administrative uncontrollable overtime.....	1	54	1	54	...	...
Other compensation.....	...	400	...	400	...	...
11.8 Special personal services payments.....	...	520	...	520	...	...
Total, workyears and personnel compensation.....	7,093	210,389	7,069	214,401	-24	4,012
12 Personnel benefits.....		24,338		25,545		1,207
13 Benefits to former personnel.....		36		84		-12
21 Travel and transportation of persons.....		17,181		18,279		1,098
22 Transportation of things.....		947		985		38
23.1 Standard level user charges.....		27,158		36,136		8,978
23.2 Communications, utilities, and other rent.....		21,910		23,042		1,132
24 Printing and reproduction.....		2,397		2,434		37
25 Other services.....		27,986		31,311		3,325
26 Supplies and materials.....		3,802		3,864		62
31 Equipment.....		6,370		6,609		239
42 Insurance claims and indemnities.....		17		17		...
Total, obligations.....		342,591		362,707		20,116
Relation of obligations to outlays:						
Obligated balance, start-of-year.....		22,252		29,104		
Obligated balance, end-of-year.....		-29,104		-36,338		
Outlays.....		355,739		355,739		



Summary of Requirements
(Dollars in thousands)

20

United States Attorneys
Salaries and expenses, U.S. Attorneys and Marshals
Summary of Adjustments to Base
(Dollars in thousands)

	Perm. Pos.	Work- years	Amount
1983 as enacted.....	4,538	4,449	\$219,275
Transfer from District of Columbia for the U.S. Attorney's Office.....	22	17	800
Pay increase supplemental requested:			
Increased pay costs.....			Amount
Medicare costs.....			\$6,581
Amount absorbed.....			1,179
Net pay supplemental.....			-383
1983 appropriation anticipated.....	4,560	4,466	227,452
Adjustments to base:	5	5	...
Transfer from Working Capital Fund for Docket and Reporting System.....			...
Uncontrollable increases:			...
Annualization of 1983 pay increases.....			276
Annualization of Executive Level pay increase.....			393
Annualization of Medicare costs.....			393
Annualization of positions approved in 1983.....		90	3,774
Administrative salary increases.....			4,421
Within-grade increases.....			371
Retirement contributions - Social Security (FICA).....			83
Health benefit costs.....			318
Standard level user charges (SLUC).....			6,358
GSA recurring reimbursable services.....			100
Postal Services redistribution.....			71
Cap telephone rate increases.....			16
Telephone system line charges increase.....			56
Federal Telecommunications System (FIS) rate increase.....			403
GPO printing costs.....			58
Departmental telecommunications redistribution.....			110
Employee data and payroll services.....			43
General pricing level adjustment.....			1,126
Total, uncontrollable increases.....		90	18,370
Decreases:			
One less compensable day.....			-495
Redistribution of Federal Employees' Compensation Act (FECA).....			-71
Nonrecurring cost for change in hourly rate.....			-471
Total, decreases.....			-1,037
1984 Base.....	4,565	4,561	244,785

United States Attorneys
Salaries and expenses, U.S. Attorneys and Marshalls
Summary of Resources by Program
(Dollars in thousands)

Estimates by Program	1982 as Budgeted			1982 Actual			1983 Appropriation Anticipated			1984 Base			1984 Estimate			Increase/Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Federal Appellate Act.	343	327	\$15,270	343	324	\$15,295	343	333	\$16,871	343	333	\$18,029	343	333	\$18,029	...	...	...
Criminal Litigation...	2,480	2,294	107,665	2,480	2,263	107,536	2,513	2,420	121,339	2,513	2,444	130,484	2,513	2,444	132,784	...	...	\$2,300
Civil Litigation.....	1,567	1,440	62,466	1,567	1,416	62,301	1,567	1,561	72,943	1,567	1,605	78,938	1,599	1,629	80,126	32	24	1,188
Litigation Support Act	25	24	2,358	25	24	2,333	25	24	2,517	25	24	2,591	25	24	2,591	...	...	...
Management and Adm....	112	84	10,560	112	79	10,466	112	128	13,782	117	155	14,743	117	155	14,743	...	...	...
Total.....	4,527	4,169	198,299	4,527	4,106	197,931	4,560	4,466	227,452	4,565	4,561	244,785	4,597	4,585	248,273	32	24	3,488
Other Workyears																		
Holiday.....		1			2			1			1			1			...	...
Overtime.....		16			15			16			16			16			...	...
Total compensable workyears.....		4,186			4,123			4,483			4,578			4,602			24	24

1945

United States Attorneys
Salaries and expenses, U.S. Attorneys and Marshals

Justification of Program and Performance

Activity Resource Summary
(Dollars in thousands)

Activity: United States Attorneys	1983 Appropriated			1984 Base			1984 Estimate			Increase/Decrease		
	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount
Federal Appellate Activity.....	343	333	\$16,871	343	333	\$18,029	343	333	\$18,029	...	...	...
Criminal Litigation.....	2,513	2,420	121,339	2,513	2,444	130,485	2,513	2,444	132,784	...	...	\$2,300
Civil Litigation.....	1,567	1,561	72,943	1,567	1,605	78,938	1,599	1,629	80,126	32	24	1,188
Litigation Support Activity.....	25	24	2,517	25	24	2,591	25	24	2,591	...	...	...
Management and Administration.....	112	128	13,782	117	155	14,743	117	155	14,743	...	...	...
Total.....	4,580	4,468	227,452	4,585	4,561	244,785	4,597	4,585	248,273	32	24	3,488

This budget activity includes resources for the representation of the United States in the 94 federal judicial districts contained within the jurisdiction of the United States. Within each judicial district, the United States Attorney is responsible for the prosecution of criminal offenses against the United States and for the conduct of all civil actions, lawsuits, or proceedings in which the United States is involved.

Activity: United States Attorneys	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease		
	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount
Federal Appellate Activity.....	343	333	\$16,871	343	333	\$18,029	343	333	\$18,029	...	...	...

Long Range Goal: To protect fully the interests of the United States by seeking appellate court rulings which will facilitate the continued operation of all government programs immediately or potentially affected by appellate court decisions.

Major Objectives:

- To articulate completely and forcefully the position of the Government on issues under consideration by courts of appeals.
- To maintain appropriate coordination with Department of Justice legal divisions on the conduct of appellate litigation.
- To comply fully with the Federal Rules of Appellate Procedure and the rules of the court hearing each appeal.

Base Program Description: Court proceedings are governed by many complex rules which are constantly refined as they are applied to actual situations. At various stages during the course of litigation, a trial judge is required to apply procedural rules and/or substantive legal theories to situations which are presented by the litigants. Judicial decisions in such matters are usually derived from contrary propositions argued by the litigants. At the conclusion of the lower court proceeding, the convicted defendant in a criminal case or the adverse party in a civil case may petition a higher court to overturn the lower court judgment. In the appeal to the higher court, the adverse party must demonstrate the harmful effect of the trial judge's ruling(s) on the outcome and present, in detail, the basis for a contrary ruling.

The conduct of an appeal is typically assigned to the Assistant U.S. Attorney who conducted the trial level proceedings. He/she is therefore already familiar with the arguments which led to the lower court ruling, and probably argued successfully for the ruling(s) which is the subject of the appeal. After considering the pertinent case law, the transcript, and any other information which bears on the issue, the Assistant U.S. Attorney formulates a written argument supporting the position of the Government. After filing a brief, he/she may be required to participate in oral arguments before the court. If further appellate proceedings are required, the Assistant U.S. Attorney may be called upon to assist the legal division and the Solicitor General in preparing the case for review by the Supreme Court. To ensure that a national perspective and consistency is attained, the preparation of appellate cases is coordinated with the appropriate legal division of the Department. All appeals brought by U.S. Attorneys to overturn a lower court ruling are individually authorized by the Solicitor General.

Accomplishments and Workload: The appellate workload of the U.S. Attorneys is presented below:

Item	Estimates	
	1981	1982
Criminal appeals filed.....	2,917	3,125
Civil appeals filed.....	2,749	3,310
Total appeals filed.....	5,666	6,435
Criminal appeals terminated.....	3,084	3,033
Civil appeals terminated.....	2,412	2,637
Total appeals terminated.....	5,496	5,670
Criminal appeals pending, EOY.....	3,830	3,922
Civil appeals pending, EOY.....	3,861	4,534
Total appeals pending, EOY.....	7,691	8,456

1983 Appropriation

	Anticipated		1984 Base		1984 Estimate		Increase/Decrease	
	Pera.	NY	Pera.	NY	Pera.	NY	Pera.	NY
Criminal Litigation.....	2,513	2,420	\$121,339	2,513	2,444	\$130,485	2,513	2,444
							\$132,784	...
							...	\$2,300

Long Range Goal: To promote compliance with the laws of the United States by individuals within its jurisdiction.

Major Objective:

To review all allegations of Federal criminal law violations and to prosecute all offenses which merit Federal prosecutions.

To obtain judicial determinations as to the guilt or innocence of individuals who may have violated the laws of the United States.

Base Program Description: Federal law provides criminal penalties for a wide range of proscribed behavior. Many of these laws are designed to protect the integrity of government operations--e.g., laws regarding counterfeiting, tax evasion, perjury, fraud against the Government, etc. Other laws protect important social institutions--e.g., laws regarding financial practices, interstate commerce, kidnapping, etc. Obtaining convictions against the violators of Federal criminal law is intended not only to punish individual offenders but also to deter prospective criminal behavior and to reinforce general respect for the efficacy of law.

Most alleged violations of federal criminal law are reported to the U.S. Attorneys by one of the several Federal investigative agencies. A few violations are reported to U.S. Attorneys by citizens, and others come to the attention of U.S. Attorneys in the course of prosecuting related criminal conduct. After considering such factors as to the sufficiency of available evidence, the condition of the prospective defendant, the applicability of Departmental priorities, the availability of alternatives to Federal prosecution, and other

	1983 Appropriation Anticipated		1984 Base		1984 Estimate		Increase/Decrease	
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount
Civil Litigation.....	1,567	\$72,943	1,567	\$78,938	1,599	\$80,126	32	\$1,188

Long Range Goal: To protect or to advance the interests of the United States through the conduct of civil litigation.

Major Objectives:

To respond promptly and forthrightly to all suits brought against the United States.

To conduct litigation against private parties with the thoroughness necessary to recover monetary losses and other damages suffered by the Government.

To collect all monies owed the United States by virtue of judicial decision—i.e., fines, forfeitures, penalties, judgments, etc.

Base Program Description: To an ever increasing extent, controversies between the Government and private parties have become the subject of civil litigation. Excepting collections cases, there are almost twice as many suits initiated by private parties against the Government as there are suits initiated by the Government. The litigation brought against the government covers a range of topics including torts (damage suffered as a result of Government action—e.g., collision with a postal vehicle, malpractice by a government physician, invasion of privacy by government agent, etc), the determination of social security benefits, tax refunds, contract violations, racial/sexual/age discrimination, habeas corpus, etc. The Government, on the other hand, initiates civil litigation against private parties for a wide range of purposes of its own. These purposes include the recovery of money defrauded from the Government, the acquisition of land under eminent domain proceedings, the enforcement of administrative summons, the enforcement of environmental, admiralty, civil rights and other laws for which there are civil law penalties, the recovery of debts owed to the Government, torts, etc.

The representation of the Government in civil litigation has a very tangible effect on Government assets. A thorough, well-developed defense will operate to minimize the exposure of the government to claims against it. Similarly, an aggressive advocate on behalf of the Government will maximize the amounts recovered in plaintiff actions. Furthermore, the effectiveness of the Government's representation often has an impact beyond the individual case which is the subject of litigation. Precedents set in particular cases may affect the ability of the Government to protect itself against future claims as well as its ability to pursue future claims of its own.

Few civil cases are actually resolved by trial. In 1982, for instance, only 1,119 cases were concluded by trial compared with 63,877 which were either withdrawn, dismissed, or settled prior to trial. Although few cases actually go to trial, the ability of the Government to obtain favorable dispositions depends to a large extent on the opposing counsel's perception of the Government's probability of success in event of trial. For this reason, even though a trial is unlikely, each must be prepared almost to the same extent as if a trial were imminent.

In conducting civil litigation, U.S. Attorneys work closely with the legal divisions of the Department and the affected agencies to ensure that the Government's interests are fully represented to opposing counsel and to the court. U.S. Attorneys participate in negotiations with opposing parties, file appropriate motions and memoranda with the court, present the Government's position in hearings before the court, take depositions, organize evidence and conduct trials as necessary.

Accomplishments and Workload: The civil litigation workload of the U.S. Attorneys are presented in the following table:

	1981	1982	1983	1984
Matters received.....	80,607	85,000	90,000	100,000
Matters closed.....	88,030	100,731	102,215	108,360
Matters pending, EOY.....	63,623	47,892	35,677	27,317
Cases filed.....	70,058	75,295	80,000	82,000
Cases terminated.....	61,438	63,877	65,000	70,000
Cases pending, EOY.....	100,499	111,917	126,917	138,917
Trials.....	1,069	1,119	1,200	1,250
Collections (\$000).....	226,781	230,000	235,000	250,000

Program Changes: An increase of 11 attorney positions, 3 paralegals, and 18 clerical positions is requested in order to enhance the resources available to conduct civil litigation. According to the Annual Report of the Director of the Administrative Office of U.S. Courts, the number of civil cases filed in which the United States is involved increased by 22.5 per cent in 1982 over the number of cases filed in the previous year. U.S. defendant cases increased by 11 per cent while U.S. plaintiff cases increased by 30 per cent. Compared with just five years ago, the number of civil cases filed involving the government have risen by over 88 per cent. As evidenced by the workload table presented above, the pending caseload is mounting rapidly.

The requested increase provides for a greater proportion of clerical staff, to attorney staff than generally prevails in this program due to the existing deficiency in this category of personnel. Even with the productivity increases wrought with the modern office equipment, U.S. Attorneys have found themselves lacking in sufficient support staff to permit attorneys to operate efficiently. More and more clerical personnel have been absorbed into specialized functions -- administrative assistant, docket clerk, receptionist, librarian, etc. -- leaving insufficient staff to provide direct support to attorneys. The requested increase, therefore, provides for nearly twice as many support staff positions as attorney positions in order to compensate, to some extent, for the existing deficiency in support staff positions.

	Appropriation Anticipated		1984 Base		1984 Estimate		Increase/Decrease	
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount
Litigation Support Activity.....	25	24 \$2,517	25	24 \$2,591	25	24 \$2,591	...	...
<u>Long Range Goal: To improve the quality of government legal representation.</u>								

Major Objectives:

To provide lectures, discussion, and practical sessions to sharpen the advocacy skills and substantive legal knowledge of Department of Justice attorneys.

To provide the same as the above for lawyers and other legal personnel in the departments and agencies of Federal Government.

Base Program Description: Many attorneys employed by the Department, in the legal divisions and in the offices of U.S. Attorneys, have little direct experience in conducting courtroom presentations. Their previous experience in law school, government agencies, court clerkships, or private firms offers few opportunities for courtroom work. In order to develop effective courtroom techniques, an inexperienced attorney needs to learn methods for organizing and preparing formal presentations, including his or her own appearance and manner, understand and anticipate the possibilities inherent in a wide range of situations and be able to react quickly to sudden changes in the proceeding. Experienced attorneys can also derive benefit from a review of the effective courtroom techniques as well as from courses in specialized subjects, which provide improved techniques for handling investigations. Because in criminal matters the government carries the burden of proof, "beyond a reasonable doubt," there is a special need for the government attorney to receive instruction in the area, as well as instruction in complex cases in all subject areas. Special seminars are held on litigation problems that arise from catastrophic situations, such as the large number of cases involving swine flu vaccine, asbestos, and others in which the government must handle a large volume of litigants and documentation.

Courses in similar skills and subject areas are offered through the Legal Education Institute for all government attorneys as a result of the transfer of the Institute to the Department of Justice. Continuing legal education began in the Spring of 1980. In order for federal legal personnel to have the full advantage of experienced federal practitioners' knowledge, skill, and systematic procedures for effectively representing the government, there has been a need for an inter-agency forum that provides lectures, discussion, and workshops. Through the substantive and procedural knowledge acquired in inter-agency education, federal personnel can compare their agency's current methods with other agencies and adjust their own procedures to most benefit the particular agency.

The primary vehicle for providing instruction to Department attorneys is the Attorney General's Advocacy Institute (AGAI). The AGAI utilizes experienced trial attorneys and federal district court judges as instructors for lecture, discussion, and performance exercise sessions. Through the use of video tape facilities, student performances are recorded and played back for analysis and critique. By conducting courses in Washington, the AGAI also offers a means for introducing new Assistant U.S. Attorneys, as well as legal division attorneys, to the operational practices of the Department in Washington. Specialized substantive topics are covered in lecture and problem-solving workshop sessions; these short seminars are usually held in various locations around the country.

While the Advocacy Institute is focused on teaching courtroom technique and negotiation skills to Department attorneys, the Legal Education Institute (LEI) is directed at teaching administrative advocacy, courtroom and negotiation skills, and a wide variety of substantive subjects to attorneys and other legal personnel employed throughout the government. The LEI offers courses in recently enacted legislation, administrative law practice, paralegal research, and other topics of interest to government attorneys and other legal personnel.

Accomplishments and Workload: The accomplishments and the planned offerings of the Office of Legal Education are presented in the following table.

	1981	1982	Estimates	
			1983	1984
Advocacy Skill Instruction				
Criminal sessions offered.....	5	6	6	6
Civil sessions offered.....	5	5	6	6
Appellate sessions offered.....	3	4	4	4
Students receiving advocacy instructions.....	698	680	810	810
Specialized seminars conducted.....	13	15	15	15
Students participating in specialized seminars.....	956	1,421	1,250	1,250
General Legal Education				
Courses offered.....	6	18	20	20
Sessions offered.....	16	44	32	32
Students receiving instruction.....	786	1,724	1,750	1,750

In addition to the continued development of the basic trial and appellate advocacy courses, the office has developed a separate one-week advocacy skills course on direct and cross-examination for agency lawyers, which is now offered on a regular basis in Washington and on the West Coast.

Among the new specialized seminars, the Advocacy Institute offered the first seminars on Advanced Grand Jury and Fundamentals of Federal Practice. A special version of the latter was offered to the new United States Attorneys in conjunction with their annual conference in the fall of 1981. Among the new courses developed by the Legal Education Institute as part of continuing curriculum, in addition to one-time sessions, are Ethics Considerations for the Government Attorney, Class Actions and Statistics, and two offerings for Paralegals, Legal Research Refresher for Paralegals and Information Law for Attorneys and Paralegals.

	1983 Appropriation Anticipated		1984 Base		1984 Estimate		Increase/Decrease	
	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Request
Management and Administrative.....	112	128 \$13,782	117	155 \$14,743	117	155 \$14,743	...	...

Long Range Goals: To provide consistent direction and an appropriate distribution of resources to the U.S. Attorneys and to respond promptly and efficiently to the administrative needs of the 94 U.S. Attorney Offices.

Major Objectives:

- To obtain the appointment of the most qualified individuals to positions in the offices of the U.S. Attorneys.
- To allocate personnel and material resources among the 94 U.S. Attorney offices so that the litigation posture of each office is optimally supported.
- To represent the interests of all U.S. Attorneys in the development of DOJ policy and to support system-wide consistency in the conduct of federal litigation.
- To conduct field review, management audit and performance evaluation of each U.S. Attorneys' Office.
- To provide the administrative support necessary to obtain adequate space and equipment and to retain, train and manage the employees of the U.S. Attorneys.
- To complete the design and implementation of a caseload management system for the U.S. Attorneys.

Base Program Description: The United States Attorneys are a geographically dispersed organization with over 150 staffed offices located in 94 districts. In order to assimilate the aggregate needs of the U.S. Attorneys and to give them overall direction, the Executive Office for U.S. Attorneys has been established. The Executive Office for U.S. Attorneys is structured to support and respond to the needs and demands of the U.S. Attorneys. In so doing, the Executive Office for U.S. Attorneys establishes and executes policy, provides legal services, formulates and executes the budget and evaluates and analyzes the U.S. Attorney offices.

The objectives of this program are accomplished by the Executive Office for U.S. Attorneys (EOUSA) which was established by Attorney General Order 88-53 of April, 1953 -- codified in 28 CFR 16 -- to provide general executive assistance and supervision to the U.S. Attorney offices and to coordinate and direct the relationship of other organizational units of the Department with the U.S. Attorneys. Thus constituted, the Executive Office must mediate between the alternate objectives of promoting the collective interest of the U.S. Attorneys, and regulating the application of external requirements upon the U.S. Attorneys.

The EOUSA accomplishes its objectives through its organizational structure. The Legal Services Section responds to FOIA requests, Congressional inquiries and legal advice inquiries. Legal Services is also responsible for publishing the U.S. Attorney's Manual and U.S. Attorney's Bulletin. The Field Activities Section conducts office evaluations through the recruitment, training and direction of selected senior Assistant U.S. Attorneys. The Budget Section supports, justifies and evaluates the budget needs of the U.S. Attorney offices. The Personnel Section reviews, evaluates and records all personnel actions. The Space Management and Procurement Section processes requests for space acquisition, renovations and furniture, equipment and supplies. The Management Services and Information Systems Section approves word processing systems, coordinates the maintenance of operational administrative processing systems, and is designing and implementing a new caseload management and collection reporting system.

Accomplishments and Workload: The workload of the Executive Office for U.S. Attorneys is presented in the following table:

	1981	1982	1983	Estimated 1984
1. Personnel:				
a. AUSA appointments.....	182	475	300	300
b. Support Staff appointments.....	157	340	340	340
c. AUSA salary increases.....	1,523	1,500	1,500	1,500
d. Positions classification completed.....	294	310	300	300
2. Legal Services:				
a. Information requests pending, start-of-year.....	766	1,575	2,275	2,875
b. Information requests received.....	1,063	1,000	1,000	1,000
c. Information requests completed.....	254	300	400	400
d. Information requests pending, end-of-year.....	1,575	2,275	2,875	3,475
Office evaluation reports.....	57	35	60	60
Financial obligations recorded.....	3,822	6,500	6,500	6,500
Case/load management installations operating.....	2	6	32	52

United States Attorneys
Salaries and Expenses, U.S. Attorneys and Marshals
Priority Rankings

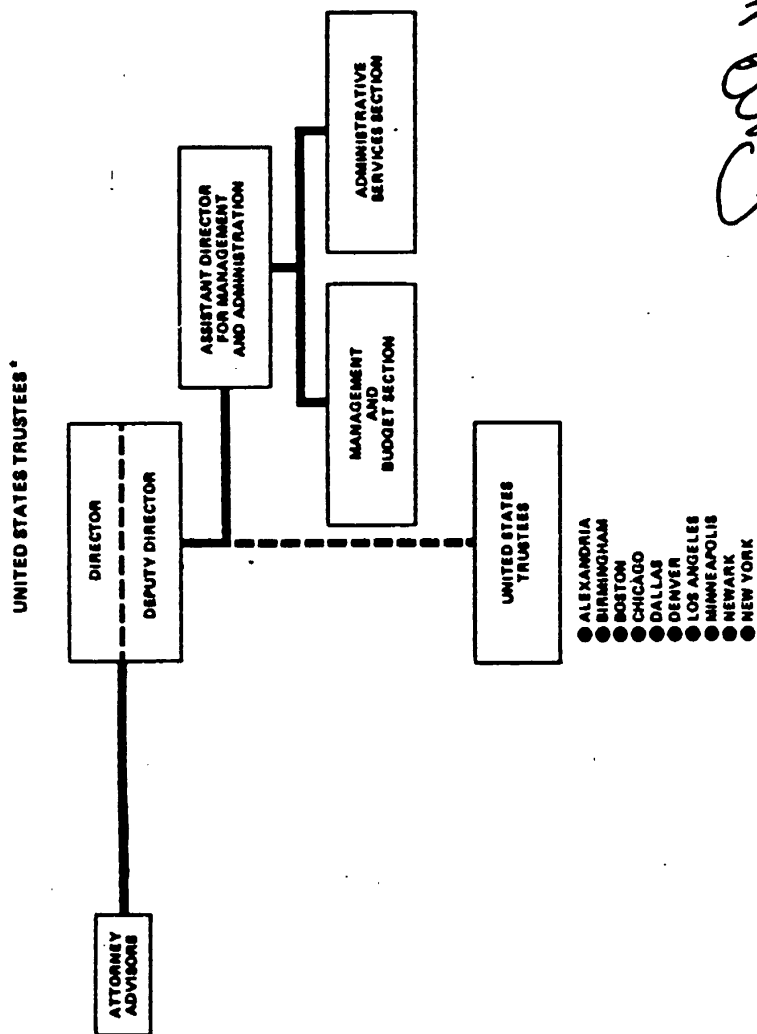
Base Program		Program Increases	
Program	Ranking	Program	Ranking
Criminal Litigation	1	Criminal Litigation	1
Civil Litigation	2	Civil Litigation	2
Federal Appellate Activity	3		
Management and Administration	4		
Litigation Support Activity	5		

United States Attorneys
Salaries and expenses, U.S. Attorneys and Marshals
Detail of Permanent Positions by Category
Fiscal Years 1982-1984

Category	1982 Authorized	1983 Authorized	1984		Total
			Trans. in the Estimates	Program Increases	
Attorneys.....	2,057	2,090	...	11	2,101
Investigators.....	10	10	...	...	10
Paralegals.....	236	236	...	3	239
Legal and Kindred.....	707	707	...	8	715
Administrative/Clerical.....	1,517	1,517	+5	10	1,532
Total.....	4,527	4,560	+5	32	4,597
Washington.....	137	137	5	...	142
U.S. Field.....	4,343	4,376	...	32	4,408
Foreign Field.....	47	47	...	...	47
Total.....	4,527	4,560	5	32	4,597

United States Attorneys
Salaries and Expenses, U.S. Attorneys and Marshals
Financial Analysis - Program Changes
(Dollars in thousands)

Item	Original Litigation		Civil Litigation		Total	
	Pos.	Amount	Pos.	Amount	Pos.	Amount
GS-9.....	3	\$65	3	\$65
GS-7.....	4	66	4	66
GS-6.....	6	90	6	90
GS-5.....	5	67	5	67
GS-4.....	3	36	3	36
Ungraded.....	11	397	11	397
Total positions & annual rate.....	32	721	32	721
Lapses.....	-8	-180	-8	-180
Total Workyears & personnel compensation.....	24	541	24	541
Personnel benefits.....	49	...	49
Travel.....	22	...	22
Transportation of things.....	2	...	2
SLUC.....	141	...	141
Communications, utilities & other rents.....	126	...	126
Printing and reproduction.....	14	...	14
Other services.....	...	\$2,300	...	156	...	2,456
Supplies.....	15	...	15
Equipment.....	122	...	122
Total.....	...	2,300	24	1,188	24	3,488



* A revised organization chart
is being prepared.

Approved: 
Edward C. Edwards
Deputy Attorney General

Date: 2 JUL 1981

Bankruptcy MattersSalaries and expenses, U. S. Attorneys and MarshalsGrosswalk of 1983 Changes
(Dollars in thousands)

Activity/Program	1983 President's Budget Request		Congressional Appropriation Actions on 1983 Request		1983 Pay Supplemental Requested		1983 Appropriation Anticipated	
	Pos.	UV	Pos.	UV	Pos.	UV	Pos.	UV
1. Bankruptcy matters								
a. Administration								
of cases.....	149	141 \$6,243	...	...	149	141 \$6,413
b. Executive direction								
and control.....	18	14 1,257	...	...	18	14 1,283
Total.....	167	155 7,500	...	...	167	155 7,696

Explanation of Analysis of Changes from 1983 Appropriation RequestCongressional Appropriation Actions

In acting on the 1983 President's request, Congress provided the U. S. Trustees \$7,500,000.

Supplementals Requested

The pay request provides \$196,000 to meet increased pay requirements (Executive Order 12387, as modified by P.L. 97-377, Continuing Appropriations, 1983).

Bankruptcy Matters
Salaries and expenses U. S. Attorneys and Marshals
Summary of Requirements
(Dollars in thousands)

Adjustments to base:

	Perm. Pos.	Work- Years	Amount
1983 as enacted.....	167	155	\$7,500
1983 Pay supplemental requested.....	...	...	196
1983 appropriation anticipated.....	167	155	7,696
Uncontrollable increases:			
Annualization of 1983 pay increase.....	...	...	23
Annualization of Executive Level pay increase.....	...	...	2
Annualization of Medicare costs.....	...	...	13
Annualization of twenty additional positions approved in 1983.....	...	5	254
Administrative salary increase.....	...	...	41
Within-grade increases.....	...	...	55
Health benefits costs.....	...	...	9
Standard Level User Charges (SLUC).....	...	...	83
GSA recurring reimbursable services.....	...	...	12
C & P Telephone rate increase.....	...	...	1
Federal Telecommunications System (FTS).....	...	...	67
Full-field investigations.....	...	...	3
Employee data and payroll services.....	...	...	2
General Pricing Level Adjustment.....	...	...	26
Total, uncontrollable increases.....	...	5	591
Decreases:			
One less compensable day.....	...	...	-26
Total, decrease.....	...	...	-26
1984 Base.....	167	160	8,261

	1982 as Enacted	1982 Actual	1983 Appropriation Anticipated	1984 Base	1984 Estimate	Increase/Decrease
	Perm. Pos.	Perm. Pos.	Perm. Pos.	Perm. Pos.	Perm. Pos.	Perm. Pos.
Estimates by budget activity	UY Amt.	UY Amt.	UY Amt.	UY Amt.	UY Amt.	UY Amt.
Bankruptcy matters	147 119 \$5,712	147 131 \$5,667	167 155 \$7,696	167 -160 \$8,261	...	-167 -160 -\$8,261

Bankruptcy MattersSalaries and expenses, U. S. Attorneys and MarshalsSummary of Resources by Program
(Dollars in thousands)

	1982 as Enacted		1982 Actual		1983 Appropriation Anticipated		1984 Base		1984 Estimate		Increase/Decrease	
	Perm. Pos.	UY Amt.	Perm. Pos.	UY Amt.	Perm. Pos.	UY Amt.	Perm. Pos.	UY Amt.	Perm. Pos.	UY Amt.	Perm. Pos.	UY Amount
<u>Estimates by Program</u>												
Bankruptcy matters:												
Administration of cases.	135	109 \$4,563	135	120 \$4,520	149	141 \$6,413	149	144 \$6,897	...	...	-149	-144 -\$6,897
Executive direction and control.....	12	10 1,149	12	11 1,147	18	14 1,283	18	16 1,364	...	...	-18	-16 -1,364
Total.....	147	119 5,712	147	131 5,667	167	155 7,696	167	160 8,261	...	...	-167	-160 -8,261

Bankruptcy Matters

Salaries and expenses, U. S. Attorneys and Marshals

Justification of Program and Performance

Activity Resource Summary
(Dollars in thousands)

Activity: Bankruptcy Matters	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease		
	Anticipated			Perm.			Perm.			Perm.		
	Pos.	UY	Amt.	Pos.	UY	Amt.	Pos.	UY	Amt.	Pos.	UY	Amt.
Administration of cases.....		149	141	\$6,413	149	144	\$6,897	...	...	...	...	...
Executive direction and control...		18	14	1,283	18	16	1,364	...	...	...	...	...
Total.....		167	155	7,696	167	160	8,261	...	...	...	...	...

Base Program Description: The United States Trustee program was established on a pilot project basis by the Bankruptcy Reform Act of 1978. The program operates in ten field office locations and resources for these offices are provided through the "Administration of Cases" program. Within their respective jurisdictions, the U.S. Trustees are responsible for the supervision of three different kinds of bankruptcy cases under the bankruptcy code.

Chapter 7, or "liquidation" cases, involve the liquidation of a debtor's assets once certain statutory exemptions have been excluded from the estate. The debtor then ordinarily obtains a discharge from debt and a financial "fresh start." In Chapter 7 cases, the U. S. Trustee: serves as trustee when no private party is available to serve; maintains and supervises a panel of trustees eligible for appointment in future cases; may examine debtors and may object to their discharge from debt; may be heard by the Bankruptcy Court on the reasonableness of fees requested by individuals involved in the disposition of the estate's assets; and reviews final reports of private trustees regarding the bankrupt estates they have administered.

Chapter 11, or "reorganization" cases, combine features of Chapters X, XI and XII of the former Bankruptcy Act, and they allow for the total restructuring of the debt and the equity of affected debtors. If the debtor and creditors can work out a satisfactory arrangement for restructuring the debt, Chapter 11 provides an opportunity for rehabilitation of a debtor by way of a reorganization plan approved by the Bankruptcy Court. In Chapter 11 cases, the U.S. Trustee: appoints committees of creditors; may request the appointment of a trustee or examiner; presides at meetings where the creditors examine the debtor's financial status; supervises the administration of cases and appointed trustees; monitors awards of compensation (as in Chapter 7 cases); and may comment on disclosure statements prepared by the debtor.

Chapter 13, or "repayment plan" cases, involve the adjustment of debts of an individual with regular income. Under Chapter 13, a wage earner, or self-employed person meeting certain statutory criteria, can discharge debts by arranging for payments over a period of time (usually three years, but not more than five). In Chapter 13 cases the U.S. Trustee appoints a standing trustee, to administer payments from all Chapter 13 cases with approved repayment plans in a given area; may examine the debtor's financial status; recommends the percentage fee to be permitted for the standing trustee's compensation; and supervises the administration of cases and the work of the standing trustees.

The United States Trustee maintains ten field offices throughout the nation and serve eighteen judicial districts. For each district, the U.S. Trustee is responsible for fair and efficient bankruptcy case administration which affects not only the amount of money recovered for creditors, but also the equitable treatment of the debtor. Under the supervision of the Attorney General, the experimental U. S. Trustee pilot program has a significant responsibility for the vitality and effectiveness of this country's bankruptcy system.

The "Executive Direction and Control" program provides the U.S. Trustee with the centralized staff support needed to function efficiently. From its location in Washington, D.C., the Executive Office for U.S. Trustee provides central administrative services in basic areas such as policy direction, legal counsel and litigation support in bankruptcy cases, procurement, personnel, budgeting, space management, management analysis, automated systems development and support, and coordination with other Department of Justice or Federal Government organizations.

The 1984 zero-funding request would result in program termination by September 30, 1983.

Bankruptcy Matters

Salaries and expenses, U. S. Attorneys and Marshals

Detail of Permanent Positions by Category
Fiscal Years 1982 - 1984

Category	1982 Authorized	1983 Authorized	1984	
			Program Decreases	Total
U. S. Trustees or Assistant				
U. S. Trustees.....	20	20	-20	...
Bankruptcy Analysts.....	21	20	-20	...
Attorneys.....	16	20	-20	...
Paralegal Specialists.....	4	25	-25	...
Other Legal and Kindred.....	70	58	-58	...
Personnel Management.....	1	1	-1	...
General Admin., Clerical and	14	22	-22	...
Office Services.....	1	1	-1	...
Accounting & Budget.....				
Total.....	147	167	-167	...
Washington.....	12	18	-18	...
U. S. Field.....	135	149	-149	...
Total.....	147	167	-167	...

Bankruptcy Matters
Salaries and expenses, U. S. Attorneys and Marshals
Financial Analysis-Program Changes
(Dollars in thousands)

Item	Administration		Bankruptcy Matters		Executive Direc-		Total	
	of Cases		tion & Control		Pos.		Amount	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades								
ES-4.....	...	...	-1	-\$ 64	-1	-\$ 64	-1	-\$ 64
GS/CH-15.....	...	...	-2	-111	-2	-111	-2	-111
GS/CH-14.....	-7	-323	-3	-140	-10	-463	-10	-463
GS/CH-13.....	-16	-621	-4	-161	-20	-782	-20	-782
GS-12.....	-3	-97	-2	-65	-5	-162	-5	-162
GS-11.....	-10	-286	-1	-28	-11	-314	-11	-314
GS-9.....	-28	-608	-2	-45	-30	-733	-30	-733
GS-8.....	-19	-409	-2	-42	-21	-451	-21	-451
GS-7.....	-23	-434	...	...	-23	-434	-23	-434
GS-6.....	-15	-255	-1	-16	-16	-271	-16	-271
GS-5.....	-8	-122	...	...	-8	-122	-8	-122
Ungraded.....	-20	-1,082	...	...	-20	-1,082	-20	-1,082
Total positions and annual rate.....	-149	-4,317	-18	-672	-167	-4,989	-167	-4,989
Lapse (-).....	5	121	2	40	7	161	7	161
Other than permanent positions.....	...	-192	...	-16	...	-208	...	-208
Other personnel compensation.....	...	-51	...	-4	...	-55	...	-55
Total workyears and personnel compensation...	-144	-4,439	-16	-652	-160	-5,091	-160	-5,091
Personnel benefits.....	...	-407	...	-58	...	-465	...	-465
Benefits of former personnel.....	...	-12	...	...	...	-12	...	-12
Travel and transportation of persons.....	...	-266	...	-58	...	-324	...	-324
Transportation of things.....	...	-12	...	-9	...	-21	...	-21
Standard level user charges (SLUC).....	...	-947	...	-70	...	-1,017	...	-1,017
Other rent, communications and utilities.....	...	-291	...	-216	...	-507	...	-507
Printing.....	...	-41	...	-9	...	-50	...	-50
Other services.....	...	-189	...	-243	...	-432	...	-432
Supplies and materials.....	...	-122	...	-14	...	-136	...	-136
Equipment.....	...	-171	...	-35	...	-206	...	-206
Total workyears and obligations, 1986.....	-144	-6,897	-16	-1,364	-160	-8,261	-160	-8,261

United States Marshals Service

Salaries and expenses, U.S. Attorneys and Marshals

Crosswalk of 1983 Changes
(Dollars in thousands)

Activity/Program	1983 President's Budget Request			Congressional Appropriation Actions on 1983 Request			Reprogramming 1983 Request			1983 Pay Supplemental Requested			1983 Appropriation Anticipated		
	Pos.	WT	Amt.	Pos.	WT	Amt.	Pos.	WT	Amt.	Pos.	WT	Amt.	Pos.	WT	Amt.
1. Witness security...	262	240	\$17,911	...	...	-\$199	...	...	-\$391	...	...	\$500	262	240	\$17,821
2. Fugitive investigations & court orders....	463	539	25,984	50	50	557	...	...	-1,403	...	...	...	513	589	26,019
3. Security support...	299	306	17,372	...	...	-3,272	...	...	-412	...	...	507	299	306	14,195
4. Financial support services.....	156	150	3,220	...	...	-66	...	...	-211	...	...	...	156	150	3,056
5. U.S. marshals training.....	9	9	668	...	...	-7	...	...	-19	...	...	12	9	9	654
6. Handling of federal prisoners.....	724	781	34,564	...	...	-534	...	...	-1,926	...	...	988	724	781	33,092
7. Executive direction & control.....	49	49	2,444	...	...	-40	...	...	-55	...	...	97	49	49	2,446
8. Administrative services.....	75	76	5,696	...	...	-92	...	...	4,417	...	...	139	75	76	10,160
Total.....	2,037	2,150	107,859	50	50	-3,653	...	...	...	...	...	3,237	2,087	2,200	107,443

Explanation of Analysis of Changes from 1983 Appropriation Request

Congressional Appropriation Actions

Congressional actions include the following: Restoration of \$1,029,000 and 50 positions for private process in the area of Fugitive Investigations and Court Orders; a reduction of \$1,682,000 for SJDC which affected all decision units; and a reduction of \$3,000,000 for extraordinary details in the area of Security Support, which was not approved at this time.

Reprogramming

Resources for ADP/Telecommunications have been transferred to the Administrative Services decision unit to consolidate these available resources for better management and analysis. However, ADP funds for Witness Security are excluded from this transfer.

Supplementals Requested

The pay request provides \$3,237,000 to meet increased pay requirements (Executive Order 12387, as modified by P.L. 97-377, Continuing Appropriations, 1983).

U.S. Marshals Service
Salaries and expenses, U.S. Attorneys and Marshals
Summary of Requirements
(Dollars in thousands)

	1982 Actual		1983 Appropriation		1984 Base		1984 Estimate		Increase/Decrease	
	Perm. Pos.	WY Amt.	Perm. Pos.	WY Amt.	Perm. Pos.	WY Amt.	Perm. Pos.	WY Amt.	Perm. Pos.	WY Amount
Adjustments to base:										
1983 as enacted.....	2,087	2,200								\$104,206
1983 Pay Supplemental requested:										
Increased pay costs.....										2,833
Medicare costs.....										540
Amount absorbed.....										-134
Net pay supplemental.....										3,237
1983 appropriation anticipated.....	2,087	2,200								107,443
Uncontrollable increases:										
Annualization of 1983 pay increase.....										134
Annualization of Executive level pay increase.....										8
Annualization of Medicare costs.....										180
Within-grade increases.....										655
Federal Employees' Compensation Act (FECA) - Workers' Compensation.....										148
Standard level user charges.....										2,643
Federal Telecommunications System (FIS).....										23
C & P telephone rate increase.....										3
GPO printing costs.....										10
Employee data and payroll services.....										21
General pricing level adjustment.....										518
Departmental telecommunications redistribution.....										196
Full-field investigations.....										17
Foreign allowances.....										5
Total, uncontrollable increases.....										4,561
Decreases:										
Nonrecurring costs for one less compensable day.....										-229
Nonrecurring costs for postal service redistribution.....										-11
Nonrecurring costs for change in hourly rate.....										-174
Total, decrease.....										-414
1984 Base.....	2,087	2,200								111,590
Estimates by budget activity										
U.S. Marshals.....	2,087	2,163	2,087	2,200	2,087	2,200	2,088	2,173	-19	\$2,844

U.S. Marshals Service
Salaries and expenses, U.S. Attorneys and Marshals
Summary of Resources by Program
(dollars in thousands)

Estimates by Program	1982 as Enacted			1982 Actual			1983 Appropriation Anticipated			1984 Base			1984 Estimate			Increase/Decrease Perm.		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Pos.	WY	Amount
Witness security.....	258	235	\$19,345	258	228	\$11,230	262	240	\$17,821	262	240	\$18,433	262	240	\$18,433	...	...	...
Fugitive investigations	506	619	23,913	506	606	29,883	513	589	26,019	513	589	27,213	463	539	26,144	-50	-50	-\$1,089
& court orders.....	291	259	22,567	291	274	13,525	299	306	14,195	299	306	14,881	330	329	18,794	31	23	3,913
Security support.....																		
Financial support																		
services.....	156	150	3,033	156	147	7,227	156	150	3,066	156	150	3,214	156	150	3,214	...	...	...
U.S. marshals																		
training.....	9	9	645	9	10	488	9	9	654	9	9	677	9	9	677	...	...	...
Handling of federal																		
prisoners.....	724	782	32,340	724	772	38,086	724	781	33,092	724	781	33,960	724	781	33,960	...	...	...
Executive direction																		
& control.....	49	49	2,325	49	49	2,393	49	49	2,446	49	49	2,547	49	49	2,547	...	...	...
Administrative																		
services.....	75	80	4,953	75	77	3,809	75	76	10,160	75	76	10,665	75	76	10,665	...	...	...
Total.....	2,068	2,183	109,121	2,068	2,163	106,641	2,087	2,200	107,443	2,087	2,200	111,590	2,068	2,173	114,434	-19	-27	2,844
Other Workyears																		
Holiday.....		4			3				4					4		...	...	...
Overtime.....		348			269				272					278		6	6	6
Total comparable																		
workyears.....		2,535			2,435				2,476					2,455		-21	-21	-21

U.S. Marshals Service
Salaries and expenses, U.S. Attorneys and Marshals
Justification of Program and Performance

Activity Resource Summary
(Dollars in thousands)*

Activity: U.S. Marshals	1983 Appropriation		1984 Base		1984 Estimate		Increase/Decrease	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
Witness security.....	262	240 \$17,821	262	240 \$18,433	262	240 \$18,433	...	...
Fugitive investigations and court orders	513	589 26,019	513	589 27,213	463	539 26,144	-50	-50 -1,069
Security support.....	299	306 14,195	299	306 14,881	330	329 18,794	31	23 3,913
Financial support services.....	156	150 3,056	156	150 3,214	156	150 3,214	...	...
U.S. Marshals training.....	9	9 654	9	9 677	9	9 677	...	...
Handling of federal prisoners.....	724	781 33,092	724	781 33,960	724	781 33,960	...	...
Executive direction and control.....	49	49 2,446	49	49 2,547	49	49 2,547	...	...
Administrative services.....	75	76 10,160	75	76 10,565	75	76 10,565	...	...
Total requirements.....	2,787	2,200 107,443	2,787	2,200 111,590	2,768	2,173 114,433	-19	-27 2,844

This budget activity provides vital support to the Federal government's administration of justice system in the areas of operational support and security assistance to the Federal judiciary such as court security; execution of fugitive investigations and court orders; protection for key government witnesses; custody and transportation of unsentenced Federal prisoners; contracting with local detention facilities for the housing of unsentenced prisoners; and enforcing Federal law under the direction of the Attorney General.

Activity: U.S. Marshals	1983 Appropriation		1984 Base		1984 Estimate		Increase/Decrease	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
Witness security.....	262	240 \$17,821	262	240 \$18,433	262	240 \$18,433	...	...

Long-Range Goal: To administer protection and maintenance services for the Department of Justice Protected Witness program for witnesses and potential witnesses and their dependents whose lives are in jeopardy as a result of their testimony against organized crime.

Major Objectives:

To protect endangered witnesses and their families who have been approved for program services by the Department of Justice's Office of Enforcement Operations, Criminal Division.

To ensure that endangered witnesses may provide their testimony against individuals being tried for organized and other violent criminal activities.

To assist the witnesses in becoming self-sustaining through relocation under a new identity.

Base Program Description: This program addresses the need for protective security for government witnesses testifying against any person alleged to have participated in an organized or related violent criminal activity. The Witness Security program, authorized by Title V of Public Law 91-452, encourages witnesses to testify against persons involved in organized crime by providing protection and maintenance for the witnesses and their families. Without such a program, potential witnesses would not come forth to testify because such an action would jeopardize the safety of the witness and his/her family.

Title 28 USC 524 provides authority to use appropriations of the Department of Justice for the payment of compensation and expenses of witnesses and informants, all at the rates authorized or approved by the Attorney General or the Assistant Attorney General for Administration. Department of Justice, OSD Order 2110.2, January 10, 1975, prescribes the procedure for establishing a person as a protected witness and places with the United States Marshals Service the responsibility for the security and maintenance of witnesses and their dependents.

The Report of the Senate Judiciary Committee on Organized Crime Control reports that leaders of organized crime have been extremely successful in escaping punishment. Tampering with witnesses through intimidation was reported as the most effective method used by organized crime in obtaining acquittals or dismissals. The Witness Security program is vital in the efforts to combat organized and related violent crime in the United States.

Accomplishments and Workload: Accomplishments of the Witness Security program are presented in the following table:

Item	Estimates		
	1981	1982	1983
Newly accepted witnesses.....	282	324	280
Witnesses funded/maintained.....	1,052	1,047	1,344
Avg. months witnesses are funded.....	12 to 18	13 to 17	12 to 18

During 1983, protected witnesses are expected to testify for the government in such well known trials as the Nuestra Familia gang, an extremely dangerous group that has been responsible for over 200 gangland-style murders. There are twenty-four protected witnesses to testify in this case. Other noteworthy cases pending in state and federal courts throughout the country include major La Cosa Nostra cases in Chicago, where eleven protected witnesses are to testify against Spillatro, Calafano, Palotta and Grieco, as well as other purported organized crime members. Twelve additional

witnesses will be testifying in Chicago in significant trials dealing with unions and the corruption of union officials such as the recent Dorfman "Teawaters" case. There are numerous other extremely sensitive cases that will not be prosecuted without the aid of the Witness Protection Program. Examples are: Martano et al, an organized crime union case in Philadelphia involving four witnesses; Bricker et al, an organized crime murder ring case in Pittsburgh involving three witnesses; and Mancavoli et al, an organized crime Rico case in Cleveland involving seven protected witnesses. These cases have received substantial local and national publicity, requiring the application of unique and sophisticated security methods and techniques to ensure the safety of these individuals whose lives are in jeopardy because of their testimony.

Witness Security specialists are required to successfully complete a five week course of instruction that covers the application and use of sophisticated electronic equipment, physical security, personal security, trauma medicine and advanced life saving techniques. Additional course requirements include psychology, sociology and a study of social services. Procedures for identifying areas of deficiency in a witness' work related skills is also an integral part of the curriculum. The program manager initiates periodic training letters and conducts annual training conferences with field and headquarters specialists to ensure strict and uniform compliance of program guidelines and policies, in all Judicial Districts.

This past year, in conjunction with Yale University, the Marshals Service conducted a preliminary study of the stress and anxiety experienced by witnesses as a result of their relocation under a new identity. While the results of this preample are limited, initial observations and data correlations have assisted program personnel in lessening short term stress resulting from the witness' immediate detachment from familiar surroundings. It is anticipated that a larger, more conclusive study will be completed this year.

During the past year, the Marshals Service, in conjunction with and the assistance of a staff of contract psychologists, initiated specialized vocational testing and counseling. With the aid of various instruments and personal interviews, the Marshals Service has been able to identify certain characteristics deemed suitable for specific fields of employment, and other characteristics deemed inconsistent with normal behavior patterns. These procedures have enabled the Marshals Service to more effectively place witnesses in more suitable employment and related social service programs.

All financial reports concerning subsistence funding for relocated witnesses have been compiled in the Witness Security mini-computer. This system has greatly increased the efficiency and response time, enabling program personnel to provide courts and prosecutors with current funding histories, as well as perform audits and detailed analyses.

The Witness Security division has been working closely with the Social Security Administration to formalize a Memorandum of Understanding between the two agencies relative to documentation for program participants. It is anticipated that this agreement will be finalized this year.

1983 Appropriation		1984 Base		1984 Estimate		Increase/Decrease	
Anticipated		Perm.		Perm.		Perm.	
Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount
	513 589 \$26,019	513 589 \$27,213	463 539 \$26,144	-50	-50	-50	-\$1,069

Fugitive investigations and court orders.

Long-Range Goal: To ensure the timely investigation and arrest of fugitive felons, other Federal violators, and foreign fugitives in the United States; to ensure that all requests for international extraditions are carried out; to provide a timely response to all major injunctions; to ensure timely service of process and other court orders; and to effectively execute property seizures and forfeitures for return of revenue to the government.

Major Objectives:

- To initiate criminal investigations to apprehend fugitive felons and other Federal violators, and to produce prosecutive reports of all felony arrests.
- To respond to requests from foreign countries for assistance to investigate and apprehend foreign fugitives in the United States.
- To coordinate, fund and implement the extradition of Federal fugitives back to the United States, and in some instances return foreign fugitives to the requesting country.
- To provide a Special Operations Group, a highly-trained civilian force, to respond to emergency situations including civil disturbances, terrorist incidents and hostage situations, and to provide law enforcement and security assistance to other Federal and state agencies designated by the Attorney General, and to enforce major injunctions of the U.S. courts.
- To provide timely service of process, court orders and warrants in support of the Federal judiciary.
- To seize and store gambling devices, and other properties for evidentiary purposes and for forfeiture, as a method to deter organized criminal and narcotic trafficking activities.

Base Program Description: The primary responsibility of this program is to conduct criminal investigations to locate and apprehend Federal fugitive felons, i.e. escapees, bond violators and parole and probation violators. This is in conjunction with the general activities of this program in expeditiously executing the orders of the Federal courts.

Through the National Central Bureau, INTERPOL, the Marshals Service is responsible for the investigation and apprehension of foreign fugitives in the United States. International extraditions are also conducted within this program.

The Marshals Service is responsible for executing property seizures, especially in government civil cases where the prosecuting agency does not have law enforcement authority, such as regulatory agencies. However, very often the Marshals Service is required to make seizures for law enforcement agencies, i.e., the Drug Enforcement Administration, the Federal Bureau of

Investigation, the Bureau of Alcohol, Tobacco and Firearms, etc. The Marshals Service maintains custody of the property usually until disposition of the case is made or a request is granted by the court to appoint a substitute custodian in order to reduce costs to the Marshals Service. The Service also directs the sale of such properties for forfeiture and return of revenue to the U.S. Treasury.

When funding is available, general or specific assistance is provided to State and local law enforcement agencies. The Marshals Service is supportive of a nationally coordinated and cooperative effort, at all levels of government, as an effective effort against crime.

The principal authorities governing the activities of this program are found in 11 USC 11, 28 USC 569 and 570; and the Speedy Trial Act of 1974, P.L. 93-619, which mandates due diligence in the prompt execution of warrants.

Accomplishments and Workload: Accomplishments of the Fugitive Investigations and Court Orders program are presented in the following table:

Item	Estimates		
	1981	1982	1983
Fugitive felon warrants received.....	11,237	9,445	10,369
USMS arrests of fugitive felons.....	9,091	8,045	10,058
Warrants received (all categories).....	59,927	63,571	60,510
USMS arrests (all categories).....	27,677	27,860	27,394
Warrants unexecuted end of year (all categories).....	41,390	34,000	37,400
Property seizures.....	3,812	4,883	5,400
Process received.....	721,126	592,414	436,281
Process served.....	643,989	530,210	401,379
			441,516

Special emphasis is continually placed on the investigation and apprehension of those fugitives with histories of violence, organized crime or narcotics connections. In 1982, the Marshals Service received over 9,000 Federal fugitive felon warrants. The Marshals Service executed 8,000 arrests, located and detained 3,200 fugitives and 2,200 warrants were returned unexecuted, for a total number of 13,400 clears.

The Marshals Service role as the primary agency responsible for the investigation of foreign fugitives also increased. During 1982, 90 INTERPOL referral cases were opened. Conversely, as field investigators became familiar with INTERPOL's capabilities, the amount of requests to locate Marshal Service fugitives on foreign soil escalated.

In 1982, the Marshals Service successfully coordinated and completed 93 international extraditions.

This program has made an outstanding contribution to the law enforcement efforts of the current Administration. A major contributor to the crime rate in this country is the fugitive. The Marshals Service recently developed the Fugitive Investigative Strike Team (FIST) concept, which is a task force designed to concentrate on high crime rate areas to apprehend a large number of fugitives in a short period of time at a minimum cost. Very successful FIST operations in Miami, Fla

Angeles, New York, and Washington, D.C., have already shown the enormous effect this type of operation can have on reducing the crime community. The total amount of warrants cleared as a result of these four FIST operations during a period of approximately 7 months numbered 1,445 at an average cost of \$974 per arrest. Other high crime rate areas are being targeted for future FIST operations. These FIST operations have provided highly useful information for developing reform of bail laws.

The El Paso Intelligence Center (EPIC) reported a dramatic increase in activity during the past year. Marshals Service investigators posted 751 lockouts through EPIC and the EPIC watch responded to 2,655 requests for information from the field. These figures represent a 58% increase in activity over the previous year.

Several major arrests were credited to the Marshals Service. Among the most notorious was the Marshals Service's development of a scheme to persuade fugitive Edwin P. Wilson, wanted for supporting terrorist activity, to leave Libya for Santo Domingo and then New York, where Marshals Service personnel placed him under arrest.

Operational guidelines and accounting procedures have been devised for the use of paid confidential informants in criminal investigations. The utilization of informants, although only for a short period in 1982, proved very effective. At the end of 1982, 56 informants were paid for information leading to 54 arrests at a cost of \$12,330. During the first quarter of 1983, 22 payments to informants were made leading to 24 arrests, at a cost of \$8,300.

In a national effort to assist State and local law enforcement agencies, the Marshals Service has developed comprehensive intelligence on motorcycle gangs in the United States. With further intelligence gathering, the Service will continue to provide law enforcement officers on all levels with this and other assistance.

The Marshals Service role in providing law enforcement assistance in the Air Force's nuclear weapons movements has expanded with an agreement entered into this year with the Joint Cruise Missile Project Office of the Department of Defense. This agreement provides for Marshals Service presence during the interstate movement of highly sensitive military defense equipment. In 1982, security assistance was provided for over 1,000 nuclear warhead movements.

Program Changes: In accordance with Presidential/Congressional actions to reduce Federal activity in the area of private civil process, the program has been decreased \$1,069,000 and 50 positions. This continues the reduction of resources begun in 1980. Also, legislation is pending which will allow the Marshals Service to recover the cost of fees incurred in property seizure and forfeiture activities.

	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease	
	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY
Security support.....	299	306	\$14,195	299	306	\$14,881	330	329	\$18,794	31	23
											\$3,913

Long-Range Goal: To ensure the integrity of the Federal judicial system by providing security at all places in which Federal judicial business is conducted; to eliminate fear of intimidation, retaliation, or bodily harm on the part of Federal judges, attorneys, other Federal officers and trial participants; and to provide personal security for all threatened Federal judicial officials, and Federal prosecutors.

Major Objectives:

- To continuously assess the status of security and to enhance as necessary with additional security personnel and systems at each location where Federal judicial business is conducted.
- To provide Deputy U.S. Marshals for sessions of court and judicial proceedings as necessary.
- To provide a sufficient force of personnel to ensure the personal safety of threatened individuals to whatever extent required, consistent with available resources.
- To ensure continuous maintenance and upgrading of security equipment and systems compatible with the latest state of the art.

Base Program Description: This program addresses the national problem of preserving the integrity of the Federal judicial system in the face of mounting and more violent attacks on its processes, the people involved in these processes and the facilities and residences in which they work and live. The two major problems are: (1) establishing and maintaining an acceptable level of security for all Federal judicial facilities in 620 places throughout the Nation; and (2) ensuring the personal safety of the more than 3,000 Federal judges, magistrates and attorneys, as well as other judicial officers, employees, jurors, witnesses, spectators and other trial participants. Judicial facilities are defined as including courtrooms, hearing rooms, chambers, jury and witness rooms, offices of court officials and their staffs. Personal security is provided for individuals as the result of covert or open threats of harm. The extent and duration of personal protection depends on the severity of the threat as determined by the United States Marshal, assessment by Marshals Service Court Security Inspectors, FBI investigation and/or intelligence obtained from other Federal, State or local law enforcement agencies.

The situation today demanding heightened security has been exacerbated by the government's intensified efforts against organized crime begun in 1970, the more recent efforts against white-collar crime and the current focus on drug related violent crime. Civil cases involving such matters as school desegregation, large insurance claims, bankruptcy, fishing rights and property seizures, as well as normal criminal activity, have and will continue to have violent protesters and a rising number of incidents targeted against court facilities and judicial system proceedings. The present thrust against violent crime and terrorism, and the additional number of Federal judges and magistrates will increase demands on limited resources.

The Marshals Service is unable to comply with court orders or requests by judges and magistrates to attend all court proceedings including trials, except where there is a defendant in custody. The resources are available to meet 56 percent of the demand for attendance at trials, and few other civil and criminal court proceedings or Grand Jury sessions. Any trial or court proceeding in Bankruptcy or Magistrate courts holds the potential for disruption and violence and judges are very vulnerable in and outside the courtroom.

Accomplishments and Workload: Accomplishments of the Security Support Program are presented in the following table:

Item	Estimates	
	1983	1984
Security surveys, inspections and systems reviews and designs.....	140	153
Number of judges and magistrates served by deputies.....	1,605	1,610
Number of personal security details.....	26	37
	1,749	1,803
	45	55

Courtroom and personal security requirements continued to increase in 1982 and trials reached over 21,000. Security was provided at approximately 12,000. This was a consequence of additional judicial officers, increased powers of magistrates and the increased severity of threats against judicial officials. The increase in judicial officers is the result of the Canibus Judgeship Act, signed October 1978, which created 152 new judgeship positions. The addition of approximately 50 new magistrates makes up the remaining increases of 210 judicial officers from June 1979 to the authorized level of 1,610 for 1982 and will increase to 1,650 in 1983.

In 1982, a serious threat to Supreme Court Justice Sandra Day O'Connor resulted in two separate protective operations; a verified conspiracy to kill several Federal officials involved in the notorious Nuestrra Familia Trials resulted in protective details; a Circuit Judge and several district court judges were threatened by a mentally disturbed individual armed with an automatic weapon and subsequently arrested; a conspiracy to free dangerous prisoners and to murder witnesses in court environments was revealed by Marshalls Service intelligence resulting in 37 protective details on members of the judiciary.

Court Security Inspectors have continued to consolidate intelligence information on criminal organizations such as PAUN, Hells Angels, Outlaws, Croations, and the Nuestrra Familia Group, that pose a continuing threat to the judiciary and Federal prosecutors. Court Security Inspectors have been called upon to protect the Chief Justice of the Supreme Court in situations where publicity generated concern for his safety, and when a foreign assassination squad was allegedly attempting to kill select government officials.

Unprecedented security has been provided to the Federal courts in the PAUN, Hells Angels, Croations, Paul Franklin, John O'Shea and the John Hinckley trials. The Marshalls Service provided technical assistance to many State and local law enforcement agencies for problem trials; most notable were the Wayne Williams Multi-Murder Trial in Atlanta, Georgia and the Brinka Robbery trial in Rockland County, New York. The Marshalls Service has been able to start and sustain personal security details only at extraordinary costs for overtime and travel plus a reduction in the number of deputy marshalls needed for other priority duties. The Marshalls Service anticipates approximately 175 threats to the judiciary in 1983, a 40% increase over 125 threats in 1982.

During March 1982, the Chief Justice and the Attorney General met and discussed their most compelling concerns of security for the judiciary. The result of this meeting was the adoption of the Report of the Attorney General's Task Force on Court Security which has resulted in better security for the judiciary, including a new program on contracting guard services.

Significant additional activity has been generated in reimbursable services provided by the General Services Administration and U.S. Postal Service. On-site examinations of the effectiveness of these guards and security systems installation and maintenance projects have been conducted at 153 court facility locations. Changing guard posts from building peripheral areas to court facility areas has improved security at buildings where guards are located. In 1982, the Marshals Service funded GSA and USPS for support in areas outside courtrooms, chambers, offices, and in accessways. GSA maintenance and installation support was expedited by security inspectors being designated as representatives for each of the 11 GSA regional headquarters. In 1983, a new program will be initiated for contracting guard services, whereby the Service will perform this function in lieu of GSA.

Program Changes. With the restoration to the 1979 level of 31 positions for the Court Security Program, all criminal trials projected for 1984 will be adequately supported. Additionally, those civil trials where attendance is required because of injuries, threats or other sensitive matters will be supported. Judicial security has become an issue of late for several reasons. Beginning with the assassination of Judge Wood, attempted assassinations of U.S. Attorneys and an overall surge in anticipated threats against the judicial system, the judiciary is demanding increased security systems and personal protection by the Marshals Service. At the same time, the needs of the judiciary have risen dramatically. The rise is in part due to the increase in the number of judges, the increased case load, and the complex and sensitive nature of the cases. As a result of the discussions and direction determined by the meeting between the Chief Justice and the Attorney General, the Marshals Service feels 31 additional positions and associated funding are the only means of keeping abreast of security support needs.

	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease	
	Anticipated			Perm.			Perm.			Perm.	
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	WY	Amount
Financial support services.....	156	150	\$3,056	156	150	\$3,214	156	150	\$3,214	...	...

Long-Range Goal: To disburse funds in payment of fact witnesses, protected witnesses, local jail administrators for housing Marshals Service prisoners, court reports, and various expenses incurred by the Marshals Service and U.S. Attorneys in conducting official business; to collect funds for services rendered by the Marshals Service and from the sale of seized property; and to record and report these transactions.

Major Objectives:

To disburse funds in a timely and efficient manner for all legal debts incurred.

To collect and deposit all funds due the United States for services rendered to the public by the Service, refunds and reimbursements.

To account for all transactions in a timely and accurate manner to the Treasury, Department of Justice (DOJ), and U.S. Marshals Service management.

Base Program Description: The prompt and complete payment of these debts, and collection and deposit of funds due the government by law or court order, are a basic part of this program. There are no substitutes for these actions as they are a necessary and integral part of common business practice. The other element or mission of this program is the accounting and reporting of these transactions in such a way as to reveal to all interested parties, such as the Department of Treasury and the internal management of the Department of Justice and the Marshals Service, the total funds obligated and expended by each district office and headquarters.

Clientele for this program include the U.S. Attorneys and the Assistant Attorney General for Administration (for Fees and Expenses of Witnesses). The U.S. Marshal for each district is required by law (Title 31, United States Code, Section 82c) to examine and certify vouchers which represent legal obligations incurred by the district. In addition, the Marshal shall collect monies from services and from sales, and deposit them to the account of the United States Government (Title 28, United States Code, Section 572a), (Title 31, United States Code, Section 725v).

Accomplishments and Workload: Accomplishments of the Financial Support Services program are presented in the following Table:

Item	1981	1982	Estimates	
			1983	1984
Checks issued.....	214,972	203,223	217,000	217,000
Vouchers certified in the field.....	162,886	127,246	170,000	170,000
Monthly reports.....	9,120	9,024	9,024	9,024

During 1982, the Marshals Service issued various directives to improve the accounting and reporting system for the collection and disbursement of funds in the district offices. This program offers training for accounting clerks to improve the districts' financial management. The district offices processed 127,246 vouchers and issued 203,223 checks amounting to approximately \$105 million during 1982. Collections for this period were approximately \$77 million.

	1983 Appropriation		1984 Base		1984 Estimate		Increase/Decrease	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
U.S. Marshals training.....	9	9	\$654	9	\$677	9	\$677	...

Long Range Goal: To establish and continue to update basic, advanced, refresher, specialized and management courses of instruction for the major occupational series in the Marshals Service. The instructions will be comprehensive and will focus on those job skills that are unique to the Service.

Major Objectives:

To provide an ongoing comprehensive set of internal and external training courses for the development and maintenance of essential job knowledge and skills in all organizational positions for an efficient use of the Marshals Service's human resources.

To revise the content of current courses and establish new training courses in accordance with an annual reassessment of training needs.

To provide the training necessary to support the new operational and administrative initiatives cited in other Marshals Service activities.

Base Program Description: The Marshals Service continues to expand its participation in the Federal criminal justice system. While deputy marshals continue to perform a wide range of duties, the increasing complexity of the Service's responsibilities has led to a specialization of duties for a good portion of the Service's operational workforce. This specialization results not only from the increasing complexity of Federal criminal law and law enforcement methods, but also from the closer judicial, Congressional, and public scrutiny of the Service's expanded responsibilities. Consequently, traditional training requirements have expanded to include specialized and advanced training in operational programs.

Responsiveness to growing demands of both the Judicial and Executive branches in a period when manpower resources are increasingly scarce requires competent and effective performance from available personnel. In addition, the Service recognizes its responsibility to minimize its liability under the Federal Tort Claims Act and various Civil Rights Acts by maintaining a knowledgeable and professional operational workforce.

Authority to train Marshals Service employees is established under Title 5 of the U.S. Code. Title 28 of the Code of Federal Regulations specifically authorizes the Director of the Marshals Service to establish necessary training and career development programs. In addition, Executive Order 11348 and the Government Employees Training Act of July 7, 1958, allows the Service to determine the content of its training programs.

Accomplishments and Workload: Accomplishments of the training program are presented in the following table:

Item	Estimates			
	1981	1982	1983	1984
Number of students:				
Basic DUSH and criminal investigator training.....	72	8	120	120
Advanced DUSH training.....	170	36	72	72
Account clerks financial training.....	48	82	30	90
SG basic training.....	18	30	30	30
SG advanced training.....	100	100	100	100
Witness Security inspectors training.....	24	14	24	60
Community detention/enforcement training.....	120	...	72	48
Sup. DUSH training.....	85	78	24	72
Range officer training.....	...	24	24	24
CJSM training.....	77	24	30	94
State and local/court security.....	...	24	120	120
USM orientation.....	...	69	24	...
Protective services school.....	35	69	70	70

During 1982, the Marshalls Service Training Academy trained approximately 558 Marshalls Service personnel in 25 separate schools consisting of approximately 4,100 student training days at the Federal Law Enforcement Training Center, Glynnco, Georgia. The training includes two Criminal Investigator Schools, two Basic Deputy Marshal Training Schools, one Basic Sheriff Training School, one Basic Security Training School, three Protective Services Training Schools, two Advanced Deputy Marshalls Training Schools, one Wilderness Security Training School, one Chief Deputy Marshal Seminar and three Administrative and Financial Management Training Schools. In addition to the above training sessions, the U.S. Marshalls Service Training Academy program provides training to other participating FLETC agencies upon their request.

During 1982, the Marshals Service armorer inspected 425 firearms and repaired a total of 374 weapons. In-depth research was continued with a view to standardization of rifles, automatic weapons, handguns, shotguns, and leather equipment. In addition to the armorer's on-site responsibilities, he conducts in-district weapons repair and range procedure evaluation sessions in conjunction with the Health and Safety Officer.

	1983 Appropriation Anticipated		1984 Base		1984 Estimate		Increase/Decrease	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
Handling of Federal prisoners.....	724	781 \$33,192	724	781 \$33,960	724	781 \$33,960	...	...

Handling of Federal prisoners.....	724	781	\$33,192	724	781	\$33,960	724	781	\$33,960	...	...
<p>Long-Range Goal: To ensure expeditious, economical, and secure methods for the custody, receipt, processing and transportation of Federal prisoners and to acquire and maintain sufficient and acceptable detention space for Federal prisoners in non-Federal facilities.</p>											

Major Objectives:

To move and transport Federal prisoners in a safe, expeditious manner and to acquire sufficient jail space for unsentenced Federal prisoners near Federal courts in order to meet all court imposed conditions and deadlines.

To maintain and improve the National Prisoner Transportation System's (NPTS) in-district and out-of-district capabilities, to reduce costly commercial modes of travel. To increase support to the Federal Prison System in the transportation of prisoners, on a reimbursable basis, between institutions.

To maintain and improve scheduling techniques, data collection systems, and transportation standards and procedures.

To renovate cellblocks and purchase security equipment to resolve critical problems in Marshals Service holding facilities.

To pursue the establishment of a Federal strategy and the implementation of a Federal action plan in order to assist Federally needed jails to comply with detention standards and improve conditions of confinement and inmate services provided to Federal prisoners.

To reduce the number of inmate complaints, civil suits and court orders generated by substandard conditions of confinement in contract facilities.

To identify excess and surplus Federal property which can be used by contract jails to upgrade inmate services and conditions of confinement.

To expand the number of facilities available for the housing of juveniles and women, including undocumented aliens. To increase the number of contracts for the health care of Federal prisoners.

Base Program Description: This program provides expeditious, economical and secure methods for the custody, receipt, processing, transportation and housing of Federal prisoners. By law, the Marshals Service is to provide full support to the courts by producing all prisoners in accordance with court calendars by all modes of transportation. Since this is a national program, the Federal government has full responsibility for its operation. This decision unit provides the staff to administer the Support of United States Prisoners appropriation; perform contract negotiation, award and administration responsibilities; and perform compliance inspections of contract facilities.

Individuals arrested or detained for violation of Federal statutes by any law enforcement officer are brought before a magistrate for an initial hearing. Upon completion of the hearing, the prisoner is remanded to the custody of the U.S. Marshal until such time as the charges are dismissed, the prisoner is released on bond or personal recognizance, or is tried, acquitted, or convicted and delivered to an institution for the service of the sentence. Each individual arraigned is processed by the Marshals Service. Processing includes the assignment of a prisoner control number, fingerprinting and photographs, establishment of criminal and personal data records, property records, medical records and other data. Checks are made through the National Criminal Information Center (NCIC) to determine if there are other outstanding charges. Requests for name and fingerprint checks are forwarded to the FBI.

The current modes of transporting Federal prisoners include automobile, bus, van, and air. Short-distance prisoner movements are routinely completed by district personnel in ground vehicles. The long-distance movements are centrally controlled to ensure that the maximum number of prisoners are moved in the most efficient and cost effective manner. A major portion of long-distance prisoner movements are accomplished through NPTS which is composed of an airlift and supporting bus and van feeder systems. When NPTS cannot meet court-imposed deadlines due to limitation of air routes and limited frequency of its flights, commercial, regularly scheduled air service and chartered aircraft are used.

The scheduling of prisoner movements is completed manually through coordination of data received by teletype from 94 Marshals Service districts and 41 Federal Prison System institutions. Completed prisoner movement schedules (teletyped to participating districts and institutions) serve as the authorization to move the prisoner(s) via the mode selected by Prisoner Coordination and as the authorization for the districts to expend the predetermined and approved overtime and travel funds. Prisoner coordination reimburses district workplans for overtime and travel expenses through periodic routine financial reports to the Comptroller. Management information, such as the number of trips performed and prisoners moved, travel fund and overtime expenditures, and mode of travel utilized, is collected, evaluated and reported in frequent periodic statistical and financial reports.

The Marshals Service coordinates and schedules the majority of the sentenced prisoner transfers between Federal Prison System institutions. The Federal Prison System provides buses and bus staff which operate as a part of the NPTS ground feeder system. Prisoners are detained in Marshals Service holding cells during court appearances and transported to the nearest available contract jail or Federal facility for overnight detention. Deputy Marshals transport sick prisoners to medical facilities for treatment and bring prisoners to district offices to meet with investigating officers and/or defense and

prosecuting attorneys. Each change in prisoner location, court status or condition is documented and maintained in the prisoner's record which is transferred along with the prisoner to the designated Federal institution. Detention, medical and guard contracts are initiated and awarded upon the identification and substantiation of a Federal need. Field office inspectors perform pre and post-contract award facility inspections. Based upon the findings of the pre-award inspection, which measures a jail's physical and program capabilities against national detention standards, an intergovernmental Service Agreement (IGA) is prepared and awarded. Cost analyses are performed on the facility's operating expenses to determine a reasonable jail day rate. Monitoring inspections are conducted periodically to ensure contracted services are being received by Federal prisoners.

The loss in many districts of nearby detention space to house prisoners for the duration of court proceedings has necessitated the use of more outlying jails. In order to produce prisoners for court, Deputy Marshals are required to travel several hours to these jails and repeat the delivery process at the end of the court day, which is frequently well after normal working hours. There has been a marked increase in deputy overtime and the use of part time employees, guards, and administrative personnel to handle prisoners. The opportunity for prisoner escapes, highway accidents and deputy error caused by fatigue increases with distance traveled. Prisoners awaiting court appearances or transportation back to a detention facility are detained in holding cells located in Marshals Service offices. The majority of the holding cells do not meet minimum Federal standards and pose definite safety and security violations.

Local units of government are now facing serious challenges in funding new detention facilities, additional inmate services and trained detention personnel to meet Federal detention standards. The Federal government has found local governments in metropolitan areas increasingly reluctant to enter into contracts for housing Federal prisoners. There are fewer than 4,500 detention facilities in the nation, with usually only one or two facilities available to service each Federal court city. Many major urban jails have severely limited or totally cancelled space for Federal prisoners, requiring the Marshals Service to transport inmates to remotely located jails or Federal institutions.

Accomplishments and Workload: Accomplishments of the Handling of Federal Prisoners Program are presented in the following table:

Item	1981	1982	Estimates	
			1983	1984
Number of prisoners received and processed.....	82,777*	79,078	90,000	100,000
Number of prisoners handled.....	279,961	302,892	360,000	400,000
Number of prisoners moved.....	78,213	94,231	95,995	95,995
Number of trips completed.....	18,334	29,757	20,500	20,500
Cellblocks upgraded.....	3	5	5	5
Jail inspections performed.....	364	281	400	500
Contracts written or modified.....	398	492	470	470
Contracts in force.....	700	733	740	750

*1981 statistics submitted by the D.C. District Office had inadvertently included 14,696 (3 month period) of D.C. Superior Court Prisoners. This adjustment is a correction. The same problem in 1982 caused an overprojection to be made for prisoners received.

In 1982, the Service received approximately 79,078 individuals arrested for violations of Federal laws. Of those persons originally received, nearly 73,715 were detained in custody (49,347 at local facilities and 24,368 in Federal institutions). In 1982, prisoners were handled approximately 302,900 times before release or delivery to institutions for service of sentence. The increase in the number of Federal judges and magistrates, decentralization of courts into smaller cities, and the loss of critically needed local jail space close to the courts, has forced district personnel to expend 60 percent more workhours than in 1979 for within district movement of prisoners. As a result, almost all the personnel savings realized by improvements in the long-distance transportation of prisoners were diverted to the receipt and process function.

The Marshals Service initiated a 6-month evaluation and test of plastic pouches (KAPAK Sealing System) for prisoner property and valuables. The clear pouches containing the property and an inventory listing are sealed hermetically in the prisoner's presence. A special tamper proof label (requiring prisoner and sealing DSH's signatures) is affixed after sealing is accomplished. It is hoped that the KAPAK System will reduce the number of prisoner claims of lost valuables. A number of local detention facilities as well as a field unit of the U.S. Border Patrol have expressed interest in utilizing the system.

During 1982, the Marshals Service transported 77,900 prisoners, of which 46,419 (50%) prisoners were moved by the National Prisoner Transportation System. Continued use of the leased 50-passenger commercial aircraft over dedicated air routes that were complemented with an intricate ground feeder system resulted in a 22% reduction in the use of commercial air for the movement of prisoners, as compared to 1981 statistics.

During 1982, the U.S. Marshals Service Jail Contract Management System was designed and installed. This automated information system will provide essential financial, contract, jail inspection, and prisoner workload data by facility, district, and region as well as nationally. It is expected that the financial data reports provided by the system will significantly enhance the capability of program staff to monitor and project levels of expenditures from the Support of Prisoners Appropriation, as well as monitor the timeliness of inspection activity, especially for major use facilities. During 1982, the Marshals Service responded to requests for technical and training assistance from other Federal and local authorities.

Several one to two week on-site jail staff training programs were conducted or co-sponsored by district offices. Funding limitations precluded the headquarters program staff from continuing advanced training for Enforcement Specialists in the field, basic training for newly assigned specialists or cooperative training programs for state, local and Federal personnel involved in jail inspection activities. However, the Service was able to obtain some jail inspection equipment (i.e., portable tape recorders and tape measures) for field inspectors. The Department approved and the Service implemented the Federal Excess Property Program in 1982 which allows the placement of excess equipment and materials into facilities housing Federal prisoners which will improve the level of jail operation, security and inmate services.

1983 Appropriation				1984 Base				1984 Estimate				Increase/Decrease	
Anticipated				Perm.				Perm.				Perm.	
Pos.	WY	Amount		Pos.	WY	Amount		Pos.	WY	Amount		Pos.	WY
	49	\$2,446	49	\$2,547	49	\$2,547	49	\$2,547	49	\$2,547	...	...	...

Executive direction and control.....

Long-Range Goal: To provide executive level policy guidance to ensure effective management and coordination of the district offices in the areas of witness security, fugitive investigations and court orders, handling of Federal prisoners, and security support.

Major Objectives:

- To provide policy guidance to all headquarters and field operational and administrative staff.
 - To assure the Director, the Attorney General, and the public that the Marshals Service is operating in the most efficient and effective manner possible.
 - To provide advice and guidance to headquarters and field managers and personnel on all aspects of the Service's operational mission and administrative matters.
 - To develop, formulate, and present budget requests to the Department of Justice, the Office of Management and Budget, and the Congress of the United States.
 - To ensure that the highest standards of integrity, loyalty and conduct among all Service personnel are maintained.
 - To examine and determine the adequacy and effectiveness of financial, administrative and operational management controls over the functions and duties of the Marshals Service district offices.
 - To maximize compliance with required health and safety standards.
 - To determine future financial and personnel requirements on a programmatic basis.
 - To reduce the instances of occupational injury and illness through the development and implementation of a comprehensive accident prevention program.
- Base Program Description: The Marshals Service has perhaps the most diverse mission and the greatest number of distinct responsibilities of all Federal law enforcement agencies. In keeping with the Marshals Service commitment to reduce unnecessary expenditures and improve the efficiency and effectiveness of its program, this program addresses the managerial requirements of the Service for planning, organization, direction, and control of the Service's resources, policies, and procedures in the 94 judicial districts in carrying out its operational mission.

The principal statutory authority for this program is contained in 28 Code of Federal Regulations, Section 0.111(b), and in Department of Justice Order 568-74, dated May 20, 1974.

Accomplishments and Workload: Accomplishments of the Executive Direction and Control program are presented in the following table:

Item	Estimates		
	1981	1982	1983
Public information responses.....	14,500	15,000	16,000
Internal audits.....	50	49	48
Privacy Act responses.....	300	159	425
Misconduct allegations investigated by headquarters.....	135	110	125

The Office of Public Affairs received more than 15,000 inquiries from the public and the news media in 1982. Fourteen press reports were prepared for the Attorney General to further the dissemination of information to the public and 125 official publications (news releases, brochures, and newsletters) were prepared and released. Perhaps the most humanitarian accomplishment has been the preparation of more than 200 letters of condolence from the Attorney General to families of slain law enforcement officers.

During 1982, the Office of Legal Counsel provided defense for the Marshala Service in personnel matters directly affecting the operations of the Service and in liability suits for injunctive and affirmative relief and monetary claims in the millions of dollars. In 1982, the legal counsel staff responded to 44 Freedom of Information requests; 159 Privacy Act requests; 5 FOI/PA appeals; 150 tort claims; 50 employee claims for property damage; 75 personnel actions in administrative proceedings and arbitrations; 140 matters in litigation, and issued 150 legal opinions.

In 1981, a budget execution control system was developed and then successfully implemented in 1982. The status of district workplans are closely monitored and the findings reported to top management. During 1982, a detailed review of 40 Marshals Service districts' financial reports was made of all supporting documents for accuracy and propriety.

During 1982, the Office of Internal Investigations initiated 175 investigations into general allegations concerning U.S. Marshals Offices and loss or theft of Marshals Service property. Of these 175 investigations, 110 were completed by the Office of Internal Investigations. The Office of Internal Investigations periodically issues a report to all Marshals Service employees to advise them of types of allegations received, findings of investigations, which rule or statute was violated, disciplinary actions, and how the misconduct situation could have been avoided.

During 1982, the Office of Internal Audit completed audits of 49 offices. As a result of field audits, savings were realized through tighter controls on overtime, WAG hours, guard hire, use of Government vehicles, storage of evidence and seized property and the collection of past due fees, earnings, and reimbursable items. Savings also continue to accrue from reductions in continuing travel advances ordered as a result of audits. This office also developed information essential to the resolution of claims for FISA benefits filed by guards employed by a U.S. Marshal.

	1983 Appropriation Anticipated			1984 Base			1984 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Administrative services.....	75	76	\$10,160	75	76	\$10,665	75	76	\$10,665	...	...	...

Long-Range Goal: This program provides specialized management support functions that will minimize the time spent by managers and supervisors on administrative matters, to ensure consistency in the application of the Marshala Service policies and procedures, and to provide stringent control for those management activities contained within these programs.

Major Objectives:

To ensure that efficient and effective personnel management is provided.

- To maintain a responsive, effective EEO program throughout the Service.
- To secure and maintain an adequate motor vehicle fleet.
- To fully support district equipment requirements.
- To coordinate the dissemination of management information and policy guidance to all district and staff offices.
- To evaluate operational and administrative programs in order to appraise resource use and accomplishment of Service goals.
- To provide adequate telecommunications systems to districts in order to strengthen operational law enforcement capabilities.
- To broaden implementation of the ADP, radio and telecommunications systems master plan.
- To provide analysis and programming support to activities utilizing ADP systems.
- To provide full support to implementation of the Affirmative Action Program.

Base Program Description: The programs constituting the Administrative Services program are organized to minimize the time that line supervisors and managers spend on administrative matters, to ensure consistency in the application of Marshals Service policies and procedures, and to monitor the use of resources contained within their jurisdictions. Problems addressed by functions within the program include 1) identifying areas of difficulty in meeting administrative needs, 2) analyzing policies and procedures and reporting the findings to decision makers, 3) identifying and resolving specific operational and administrative management information requirements through the development and application of ADP and telecommunications systems, 4) proposing and implementing policies and procedures for the provision of personnel, office space, communications equipment, equal employment opportunity, procurement, contracting, motor vehicles, and printing services, and 5) providing oversight and control for all activities contained within these programs.

Specific authorizations for programs are found in Titles 5, 28, 29, and 41 of the Code of Federal Regulations and Titles 5 and 40 of the United States Code.

Accomplishments and Workload: Accomplishments of the Administrative Services program are presented below:

Item	Estimates	
	1981	1982
Personnel Actions.....	6,500	6,300
Procurement Actions.....	2,000	1,600
JUST teletype messages.....	375,525	530,263
EEO complaints filed.....	24	11
Employment applications.....	2,500	2,500

During 1982, the personnel staff completed negotiation of the basic labor contract with the union representing Service employees. Promotion procedures for 200 field law enforcement supervisors were completely revamped in a joint project with the Office of Personnel Management. A new performance appraisal system was installed for 2,000 field and headquarters positions. A written promotion test for supervisory personnel was administered for 700 applicants.

EEO training was provided for 50 newly appointed U.S. Marshals, 200 field managers and supervisors, and 54 EEO collateral duty personnel. As a result of the continuing effort to train managers and supervisors in their EEO responsibilities, initiated in 1980, there has been a significant decrease in the number of complaints filed.

EEO investigations, completed within ninety days of assignment, enhanced the Service's ability to obtain accurate data and testimony. Counseling efforts and procedures have been enhanced. Visits to districts for the purpose of holding mandatory informal adjustment meetings with complainants included in-district training sessions with managers and supervisors and EEO orientation for employees. Additionally, the EEO Staff responded to or processed 443 inquiries or pieces of correspondence.

The General Services Support program continued in 1982 to implement management improvements which substantially enhanced efficiency in the areas of transportation, space management, renovations, and materials management. Program personnel managed over 1,000 vehicles and 315 facilities; monitored over 60 major GSA construction projects; funded 146 minor renovation projects; initiated 1,600 procurements, filled approximately 13,000 individual requests for stock items; handled 600 printing orders; administered over 4,000 accountable property transactions; and processed 100,000 pieces of incoming mail. The

Marshals Service standard specifications and construction details for prisoner handling facilities and secure storage areas and design guidelines for Federal courthouse construction continue to assure adequate and secure facilities for the Service and will provide a significantly enhanced degree of protection for both the judiciary and the general public.

Information acquired from a 1981 Service-wide communications equipment survey, furnished the location and quantity of existing equipment and formed the basis for the long-range communication plan for the Service. All of the fixed radio equipment procured in the latter part of 1981 and 1982 and the approximate 300 hand held radios procured during 1982 were for replacement of identified outdated and unusable equipment. This replacement equipment was installed during 1982.

The ADP Management Staff accomplished the following in 1982: enhancement and on-going maintenance of the USM6 and USM7 management information system; enhancement and on-going maintenance of the Witness Security System including a generalized Query/Report Writer program and a comprehensive security log; implementation of both the Obligation Module and the Budget Module of the Department's Financial Management System; design, development and implementation of a Contract Jails System; initiated development of an ADP Project to evaluate alternative methods of providing ADP support to the Service field offices.

Program analysis and evaluation efforts in 1981 included the automation and recomputation of the Marshals Service district personnel resource requirements, a three-year statistical review of Service operational workload, and participation in the needs analysis phase of the Service's ADP Master Plan. An orientation package for new United States Marshals was developed including the publication of a booklet "The Office of the U.S. Marshal," and a directive designed to effect the transition from the outgoing U.S. Marshal to the incoming U.S. Marshal. A comprehensive review and revision of Service financial management procedures was begun, including the development of a training plan for accounting and financial management seminars. An evaluation of the U.S. Attorney's PRODIS management information system was completed to identify the relation-

ship with the data needs of the Service. The Journeyman grade level of Deputy U.S. Marshals was reviewed and the historical background documented. Planning and Evaluation Branch personnel prepared the Antideficiency Act contingency plan for the Marshals Service, participated in management reviews of several district offices, evaluated an airlines centralized ticketing system, reviewed and monitored the service of private process, and examined Federal debt collection efforts as they affect the Service.

Among the Management Analysis program activities and accomplishments for 1981 were the preparation and publication of 89 new or revised Marshals Service directives. Current efforts are underway in the research and evaluation of equipment pertinent to a new Computer Output Microfilm (COM) system as an adjunct to the Marshals Service Directives Management System. Forty-six forms were originated or revised to improve the efficiency of operational and administrative procedures and to standardize needed information elements. Also, numerous forms were eliminated by consolidation of forms, obsolescence, and procedural improvements.

U. S. Marshals Service
Salaries and expenses, U.S. Attorneys and Marshals
Priority Ranking

<u>Base Program</u>		<u>Program Increases</u>	
<u>Program</u>	<u>Ranking</u>	<u>Program</u>	<u>Ranking</u>
Security Support	1	Security Support -	1
Fugitive Investigations and	2	Extraordinary Details	
Court Orders	3	Security Support -	2
Witness Security	4	Court Security	
Handling of Federal Prisoners	5		
Executive Direction and Control	6		
Administrative Services	7		
Financial Support Services	8		
U.S. Marshals Training			

United States Marshals Service
Salaries and expenses, U.S. Attorneys and Marshals
Detail of Permanent Positions by Category
Fiscal Years 1982-1984

Category	1982 Authorized	1983 Authorized	1984		Total
			Program Decrease	Program Increase	
Attorneys	6	6	...	...	6
Criminal Investigators	13	13	...	...	13
U.S. Marshals	1,572	1,583	-50	31	1,564
Other Misc. Occupations	5	5	...	...	5
Social Sciences, Economics and Kindred	10	10	...	...	10
Personnel Management	30	30	...	...	30
General Admin., Clerical and Office Service	278	278	...	...	278
Accounting and Budget	115	115	...	...	115
Information and Arts Group	5	5	...	...	5
Business and Industry Group	15	23	...	...	23
Equipment, Facilities and Service Group	5	5	...	...	5
General Inspection, Investigation and Compliance	4	4	...	...	4
Supply Group	10	10	...	...	10
Total.....	2,068	2,087	-50	31	2,068
Washington.....	114	122	...	...	122
U.S. Field.....	1,953	1,964	-50	31	1,945
Foreign Field.....	1	1	...	...	1
Total.....	2,068	2,087	-50	31	2,068

U.S. Marshals Service
Salaries and expenses, U.S. Attorneys and Marshals
Financial Analysis - Program Changes
(Dollars in thousands)

Item	Security Support		Fugitive Investigations and Courts Orders		Total
	Court Security	Extraordinary Details	Private Process	Amount	
	Pos.	Amount	Pos.	Amount	Pos.
<u>Grades</u>					
GS-9.....	31	\$628	...	\$-344	14 \$284
GS-7.....	...	...	...	-547	-33 -547
Total positions and annual rate...	31	628	...	-891	-19 -263
Lapse (-).....	-8	-156	...	...	-8 -156
Other compensation.....	6	124	...	-66	6 1,901
				\$1,843	
<u>Total workyears and personnel</u>					
compensation.....	29	596	...	-50	-21 1,482
Personnel benefits.....	...	60	...	-112	...
Travel and transportation of persons.....	...	195	...	...	...
Transportation of things.....	...	6	...	...	...
Other services.....	...	53	...	...	...
Supplies and materials.....	...	3	...	...	...
Total workyears and obligations, 1984.....	29	913	...	-1,069	-21 2,844

GENERAL STATEMENT

Mr. DWYER. The first item we will consider in this appropriation is the fiscal year 1984 request for United States Attorneys. This request is \$248,273,000 which represents an increase of \$28,998,000 above the amount appropriated for fiscal year 1983 to date.

We are pleased to have with us again this year Mr. William P. Tyson, Director of the Executive Office for United States Attorneys. Mr. Tyson, you have a prepared statement. Proceed as you wish.

Mr. TYSON. Thank you, Mr. Chairman.

It is a pleasure to meet with the Committee again this year. I have submitted a prepared statement, Mr. Chairman. I would like to summarize that statement, if I may, and have my prepared statement inserted in the record.

As the Chairman indicated, the matter here is the request for the U.S. Attorneys, Marshals and Trustees. The total request for this appropriation as indicated, is \$362,707,000 for 6,655 positions for a net increase of \$20,116,000. For the U.S. Attorneys, the request is for \$248,273,000, and 4,597 positions.

For the U.S. Trustees, we are requesting that this program be terminated in fiscal year 1984.

For the Marshals, the request is for \$114,434,000, and 2,068 positions. After I present the U.S. Attorneys' request, I will be followed by the Director of the U.S. Trustees, Mr. Quinlan Shea, and then Mr. William Hall, Director of the U.S. Marshals Service.

The U.S. Attorneys' request provides for the prosecution of violations of Federal criminal law, for defending the United States against civil lawsuits, for bringing suit on behalf of the government to collect debts, to recover other monies or assets due the United States, for legal education for attorneys of the Department of Justice and for attorneys of the other agencies of the government, for training of non-lawyers, and for necessary administrative, logistic, management and legal services support.

The increase requested for the U.S. Attorneys is \$20,821,000 and 37 positions. The increase consists of uncontrollable increases in the amount of \$17,333,000, program increases of \$2.3 million for criminal litigation, and \$1,188,000 for civil litigation.

POSITION TRANSFER FOR CASELOAD MANAGEMENT

Personnel increases include five positions which are being transferred from the Justice Management Division to the U.S. Attorneys Office of Management Information Systems and Support. These are positions that have been devoted to a docket and reporting function. By placing them in my office with people who are doing similar work, we will have consolidated that function.

We are requesting 32 new positions for civil litigation. That is 11 attorneys, three paralegals, and 18 clerical personnel. This increase will permit us to deal with an 88 percent increase in civil cases filed in the past five years. Civil filings in which the United States is involved have increased 22.5 percent in 1982 over the previous year.

RIGHT TO FINANCIAL PRIVACY ACT

As for the money increase, a need for additional funding has been created by the Right to Financial Privacy Act, which was passed in 1978. The Act requires that we reimburse financial institutions for the costs they incur in responding to grand jury subpoenas for books and records. In 1980 it cost us \$472,941; in 1981 it cost us \$1,151,787. We have never budgeted for this kind of cost in the past. We have been absorbing it, but the increase is getting progressively larger, and we can no longer absorb this. We need \$1.2 million to cover these expenditures in 1984.

GRAND JURY REPORTING COSTS

The other factor that causes an increase in our request is the recording of grand jury proceedings. In 1979 there was a change to Rule 6(e) of the Federal Rules of Criminal Procedure requiring that all grand jury proceedings be recorded. In the three years prior to that change in the Rule—from 1976 to 1979—Grand Jury reporting costs \$1.6 million per year. In the three years following the Rule change—that is 1980 through 1982—these costs increased to an average of \$3 million annually. Again, we need to budget for this increase, and we need for fiscal year 1984, \$1.1 million to cover those increased costs.

Mr. Chairman, that concludes my formal statement. I would be happy to respond to any questions of the Committee.

[The prepared statement of William P. Tyson follows:]

STATEMENT OF THE DIRECTOR
EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS
WILLIAM P. TYSON
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON
THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE
JUDICIARY, AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee:

I am pleased to have the opportunity to appear before you on behalf of the 1984 request for the U.S. Attorneys, U.S. Trustees and the U.S. Marshals. The total request is for \$362,707,000 and 6,665 positions, a net increase of \$20,116,000. The request for the U.S. Attorneys is \$248,273,000 and 4,597 positions; for the U.S. Trustees, the Administration is requesting termination of the program; and for the U.S. Marshals Service, \$114,434,000 and 2,068 positions.

My role today will be to present the portion of the request which pertains to the U.S. Attorneys. I will be followed by Mr. Quinlan J. Shea, Director, Executive Office for U.S. Trustees, who will appear before you on behalf of the U.S. Trustees. Mr. William E. Hall, Director, United States Marshals Service, will appear on behalf of the Marshals Service and the Support of U.S. Prisoners appropriation.

The U.S. Attorneys' request provides for the prosecution of federal criminal offenses and the conduct of the government's civil litigation in the 94 federal judicial districts. For 1984, an appropriation of \$248,273,000 and 4,597 positions has been requested for the U.S. Attorneys, an increase of \$20,821,000 and 37 positions above the appropriation anticipated in 1983. The increase consists mainly of uncontrollable adjustments which net to an additional \$17,333,000. A transfer of positions from the Justice Management Division accounts for part of the position increase. The remainder is composed of a program increase for

criminal litigation in the amount of \$2.3 million and a program increase for civil litigation of 32 positions and \$1,188,000.

The transfer of five positions from the Justice Management Division will enable the Executive Office to assume full responsibility for the management of the U.S. Attorneys' caseload information system. Previously, the Justice Management Division performed certain functions relative to the Docket and Reporting System on a reimbursable basis. The transfer of positions and the assumption of these responsibilities will give the Executive Office more direct control over the caseload information system and will facilitate the transition from the Docket and Reporting System to the Prosecutor's Management Information Systems (PROMIS).

A program increase of \$2.3 million for criminal litigation is requested to provide funds for certain litigation expenses which are now inadequately funded.

Right to Financial Privacy Act Costs

In 1978, the Congress enacted the Right to Financial Privacy Act requiring, for the first time, reimbursement to financial institutions for costs they incur in the course of complying with grand jury subpoenas. In 1980, such reimbursements amounted to \$472,941, and in 1981, the annual costs to the U.S. Attorneys were \$1,151,787. No funds have ever been budgeted for this purpose, and \$1.2 million is requested to provide for these expenditures which are required by law.

Grand Jury Reporting Costs

In 1979, Rule 6(e)(1) of the Federal Rules of Criminal Procedure was amended to require the recording of all grand jury

proceedings. In the three years prior to 1979, grand jury reporting costs averaged \$1.6 million. In the three years following 1979, these costs averaged \$3 million per year. Of the \$1.4 million increase, approximately \$300,000 has been funded through adjustments to the base for inflationary price increases leaving an additional \$1.1 million requirement due to the rule change.

Increase for Civil Litigation

For civil litigation an increase of 11 attorney positions, 3 paralegals, and 18 clerical positions is requested in order to enhance the resources available to conduct civil litigation. According to the Annual Report of the Director of the Administrative Office of U.S. Courts, the number of civil cases filed, in which the United States is involved, increased by 22.5 percent in 1982 over the number of cases filed in the previous year. U.S. defendant cases increased by 11 percent while U.S. plaintiff cases increased by 30 percent. Compared with just five years ago, the number of civil cases filed involving the government has risen by over 88 percent. The additional positions are needed to address the rising caseload.

I will be pleased to respond, Mr. Chairman, at this time to any questions from you or other members of the Subcommittee.

RIGHT TO FINANCIAL PRIVACY ACT

Mr. DWYER. Thank you very much, Mr. Tyson. The fiscal year 1984 budget request includes an increase of \$2,300,000 for reimbursements to financial institutions for searching and reproducing records required by the Right to Privacy Act and for increased reporting costs resulting from amendment of the Federal Rules of Criminal Procedure.

How would this increase be allocated between each of these two items?

Mr. TYSON. There is \$1.2 million for the cost of compliance with the Right to Financial Privacy Act—that is the cost paid to financial institutions for reproducing records in response to grand jury subpoenas. The \$1.1 million is for the recording of grand jury proceedings.

Mr. DWYER. Could you tell us what the main features of the Right to Financial Privacy Act are, and specifically what it requires with respect to reimbursement to financial institutions for searching and reproducing records.

Mr. TYSON. If I can give you a general answer, Mr. Chairman, then I will be happy to give you a detailed response for the record.

Essentially, the government may have to subpoena books and records, cancelled checks, bank accounts of individuals who are undergoing investigations that perhaps involve income tax or other kinds of violations of the currency laws. Of course, there is a cost to the financial institution for providing us with certified xeroxed or reproduced copies of their books and records, and we are required to pay for their costs in responding to the subpoena.

PROGRAM INCREASE FOR CIVIL LITIGATION

Mr. DWYER. The fiscal year 1984 budget request also includes an increase of 32 positions and \$1,188,000 to enhance the capacity of U.S. Attorneys to handle an increasing civil litigation workload. What was the total number of cases pending at the end of fiscal year 1982, and what are the projections for fiscal year 1983 and 1984?

Mr. TYSON. The number pending at the end of 1982 for civil cases was 111,917. The trend is upward. We are projecting 126,917 at the end of fiscal year 1983; and in 1984, we are projecting 138,917. There has been an upward trend for the last 10 years, and we are simply extrapolating the trend. Civil litigation has been burgeoning—virtually exploding for the last 10 years.

Mr. DWYER. The fiscal year 1984 budget request also includes an increase of 32 positions and \$1,188,000 to enhance the capacity of U.S. Attorneys to handle an increasing civil litigation workload. What was the total number of cases pending at the end of fiscal year 1982? What are the projections for fiscal years 1983 and 1984?

Mr. TYSON. Mr. Chairman, at the end of fiscal year 1982 the number of civil cases pending was 111,917. In 1983 we expect 126,917, and fiscal year 1984 we expect 138,917.

Mr. DWYER. Are there any new statutes that cause this increasing workload?

Mr. TYSON. I can't point at particular new statutes, Mr. Chairman. I think it is just an increased usage of statutes that have

been passed in the last 10 years or so. There seems to be a general feeling that people are more litigious.

CASE LOAD FOR ASSISTANT U.S. ATTORNEYS

Mr. DWYER. What are the workload standards for an Assistant U.S. Attorney in the civil area? How many cases does he carry?

Mr. TYSON. It depends on the kind of case, Mr. Chairman. Some have very simple kinds of civil cases, claims collection type cases. The workload for assistants ranges in some places from 20 some odd cases per assistant to as many as 150 perhaps in other kinds of cases.

Mr. DWYER. I guess what we are trying to find out is what is the method used for coming up with 32 attorneys, if there is an impact?

Mr. TYSON. We don't have the cases picked out so that we know how many each of those 32 would handle.

Mr. DWYER. It appears that even if you increase the 32 positions, if they are approved, the number of cases that will be pending at the end of fiscal year 1984 will have increased by 12,000 as compared with the fiscal year 1983. Why aren't you requesting a sufficient number of resources to really cut down on that backlog?

Mr. TYSON. It is hard to predict what is needed to catch up with the curve in terms of resources. We think we can handle the workload with the resources that we have plus what we are requesting.

POSITION TRANSFER FOR CASELOAD MANAGEMENT

Mr. DWYER. Mr. Early.

Mr. EARLY. Thank you, Mr. Chairman. Regarding the five positions to be transferred from the Working Capital Fund, from which account are they paid?

Mr. TYSON. No, sir.

Mr. EARLY. Why aren't we transferring money with the five positions?

Mr. ROONEY. Right now the people that are employed in the Working Capital Fund are paid for by the amount of service they provide, so the United States Attorneys already contribute to the Working Capital Fund to pay for the service that those people provide.

It will be simply a matter of those people working directly for the United States Attorneys rather than in the Department's central data processing facility.

Mr. EARLY. Why do we pay them out of a fund?

Mr. ROONEY. This Committee approved, I think in 1977, the Working Capital Fund, which primarily supports centralized operations—such as personnel, payroll, the data processing center—and provide services to all elements of the Department on a reimbursable basis.

REDUCTION IN PERSONNEL

Mr. EARLY. Mr. Tyson, you are reducing total personnel by how many people? I noticed in your statement that that was one of the

few figures which you didn't compare to last year's figure. You say you have 6,665 people.

Mr. TYSON. That is for the total appropriation I believe. There are no reductions in the U.S. Attorney portion.

Mr. EARLY. Is there an increase?

Mr. TYSON. The only increase is the transfer of the five we mentioned, and the 32 positions for civil litigation.

Mr. EARLY. Your total budget would increase by how much this year?

Mr. TYSON. The total budget for the U.S. Attorneys is being increased by \$20,821,000 and 37 positions.

Mr. EARLY. What is the U.S. Attorneys' total budget?

Mr. TYSON. \$248,023,000.

UNCONTROLLABLE SLUC INCREASES

Mr. EARLY. That is almost an eight or nine percent increase. With regard to uncontrollable expenses, how can we have an uncontrollable increase as high as \$17 million? I suspect we have to get control of these expenses.

Mr. ROONEY. One of the major items of increase there, Mr. Early, is the increase for SLUC—\$9.1 million I believe for the total appropriation. This is the rental payments to GSA.

Mr. EARLY. From listening to the Justices who have come before the Committee Mr. Rooney, I thought there was some question about the SLUC increase.

Mr. ROONEY. No, last year the Congress held GSA pretty much static at the amounts that it could charge other Federal agencies for use of their buildings. So this year, for example, the Justice Department is going to have an increase of about 35 percent over 1983, because the administration's policy for GSA has been to fund GSA's rates for 1984.

Mr. EARLY. How much of the \$18.3 million for U.S. Attorneys is due to a SLUC increase?

Mr. TYSON. That is \$6,358,000.

Mr. EARLY. Isn't an item like Federal Telecommunications System, FTS, controllable? Why is that expense increasing by 20 percent?

Mr. ROONEY. Rate increases.

Mr. EARLY. That is a rate increase, not an expansion of services?

Mr. ROONEY. If it is expansion of service, we would include that as part of the program increase. For example, in funding for the new civil attorneys, the cost for service there would be built into the increased cost.

DRUG TASK FORCES

Mr. EARLY. Mr. Tyson, do you expect the new Drug Task Forces to eliminate any of the U.S. Attorneys' offices current expenses?

Mr. TYSON. The drug task forces?

Mr. EARLY. Yes.

Mr. TYSON. The drug task forces will not eliminate any of the need for the current resources, because they will be pursuing totally new initiatives.

Mr. EARLY. Hasn't the U.S. Attorneys' offices been pursuing those initiatives?

Mr. TYSON. They have been pursuing drug cases, organized crime drug cases, but they will maintain their current level on the non-task-force type cases. The task force cases, in other words, the heavy-weight cases that meet the threshold definition for a drug task force case will move from the U.S. Attorneys' current workload into the task force.

Mr. EARLY. So eventually some expenses should be alleviated.

Mr. TYSON. A great amount of non-task-force drug work and other criminal work is out there to be done. It will help to get new resources to do the heavy-weight drug cases. We will decline fewer lower level drug cases and other criminal cases—60 to 70 percent of which have had to be declined.

PROSECUTORIAL DECLINATIONS

Mr. EARLY. What do you mean by "decline"?

Mr. TYSON. Decline to prosecute. The U.S. Attorneys have prosecutorial discretion. When an FBI, DEA, ATF or other Federal law enforcement agent brings a case in for prosecution, the United States Attorney decides whether or not to initiate prosecution. If there is some legal impediment to successful prosecution, they decline it for that reason. U.S. Attorneys also have to decline cases based upon the quality of the case or where it fits in terms of whether it is a low-weighted case, a small bank robbery or a small bank embezzlement or a small stolen check case as opposed to a large case. In other words, they have to set up priorities.

Mr. EARLY. What a difference a year makes. The Department came to this Committee last year, justified the cuts that the Administration was making, and said that it could, at least, continue its activities with the same quality and the same efficiency. I never heard it suggested that you would decline over 60 percent of the Justice's drug cases.

Mr. TYSON. I didn't mean just drug cases. I mean overall cases.

Mr. EARLY. That is a startling number. There was no testimony last year that you didn't have enough money to prosecute. Everyone from the Attorney General on down, came before the Committee and said, regardless of budget cuts, "We will be able to do our job. We will be able to fulfill our responsibility." Now we hear that you didn't prosecute 60 percent of your cases.

Mr. TYSON. That figure has been consistent for many years, Congressman. You will not find any testimony I have ever given here that is not consistent with what I am saying now. Any time the issue has come up in terms of declination, prosecutorial discretion, priorities and so forth, I have given basically the same testimony.

We attempt to meet the requirement of seeing that there is a prosecution by working with our State and local contemporaries and counterparts through a variety of ways. About 90 percent of Federal violations that are reported to the U.S. Attorneys are concurrent jurisdiction violations.

Mr. EARLY. What we are seeing, Mr. Tyson, is that last year's Justice Department budget was a lie. Last year the Department defended the Administration, but this budget shows how irresponsible

the numbers laid before this committee last year were. Last year's budget was a tremendous injustice to the people.

Now, because of what we agreed to cut last year, we see these big budget increases. I am willing to give the Justice Department any amount of money it needs to do its job, but I don't think it was ever suggested that you decline to prosecute 60 percent of your cases.

Mr. TYSON. I have given that testimony several times.

Mr. EARLY. Is that right?

Mr. TYSON. Yes, sir.

Mr. EARLY. Using that percentage?

Mr. TYSON. Yes, sir. It has ranged from 60 to 70 percent at different times, but I would say over the last 10 years it would probably average out at around 60 percent.

Now we try to keep things from dropping through the cracks by seeing that they are prosecuted on the other side of the street, by State and local authorities. We do this through Law Enforcement Coordinating Committees—and, in previous administrations, something called State-local law enforcement committees—in which we meet and discuss the whole pie, so to speak, with the local prosecutors, and work out arrangements to what we prosecute and what they prosecute and what we prosecute jointly.

We have many, many more joint investigations and joint prosecutions now than we have ever had before. We have several hundred State and local prosecutors who are cross-designated to work—

JOINT INVESTIGATIONS AND CROSS-DESIGNATION OF PROSECUTORS

Mr. EARLY. And how do you divide the expenses of a joint prosecution?

Mr. TYSON. The expense?

Mr. EARLY. Yes.

Mr. TYSON. The State and local prosecutor continues to be paid his salary by the State and local jurisdiction. They work with us, because we are on a case that is of as much interest to the State as it is to us.

Mr. EARLY. I don't have any problem with that.

Mr. TYSON. So they pay their attorney's salary. We have designated a dozen or more U.S. Attorneys and Assistant U.S. Attorneys to help prosecute on the State side, and we pay their salaries, so it is something in which there is a mutual interest of both jurisdictions.

Mr. EARLY. For you to intercede, does the case have to be identified as a Federal prosecution?

Mr. TYSON. For us to do it on the State side?

Mr. EARLY. Yes.

Mr. TYSON. Normally the answer is yes, but we have made two exceptions. One exception we made was in the Southern District of Florida. We assisted the State prosecutor with a large backlog of homicide cases where the homicides were committed by people who came over during the Mariel boatlift. We recognized a certain Federal responsibility for those people being there and committing those homicides. That was one exception in which we actually com-

mitted five Assistant U.S. Attorneys to prosecute offenses that are normally purely State-local street crimes.

CONTROLLING UNCONTROLLABLE EXPENSES

Mr. EARLY. Do you have any suggestions as to how to get control of these uncontrollable expenses, Mr. Tyson?

Mr. ROONEY. Mr. Early, if I might just interject, one of the items which I didn't think about when you were asking the question, last year this Committee approved, for 1983, a supplemental for about 100 full-time people and 80 temporary people, and this is annualized at about \$3.8 million—excuse me, 222 positions—which is the cost for the full fiscal year in 1984. It is an uncontrollable in that we only get funding for a part of this year, and the salaries of these people for the other half year will accrue in 1984. We characterize that as an uncontrollable increase.

Mr. EARLY. That is really a personnel expenses?

Mr. ROONEY. That is right. They will be on board all year.

Mr. EARLY. The size of the uncontrollable expenses are too high.

Mr. TYSON. I have a complete list of those, Mr. Early, if you would like to have it.

Mr. EARLY. A summary of them?

Mr. TYSON. I have that right in front of me now. Mr. Early, I suppose when you speak of some telephones, printing, or this or that, you said it is uncontrollable, couldn't you control it by just decreasing the number of systems you have? Do you do that, following that principle?

Mr. ROONEY. Telephone systems?

Mr. EARLY. Everything, printing and everything, telephones and so on.

Mr. TYSON. Could I just review this?

Mr. EARLY. Sure.

Mr. TYSON. As indicated, the annualization of the 1983 pay increase is \$276,000. Annualization of executive pay level, \$393,000; medicare costs, \$393,000; annualization of positions approved in 1983, that was \$3,774,000; administrative salary increases—

Mr. EARLY. That is the item Mr. Rooney just spoke of?

Mr. ROONEY. Yes.

Mr. TYSON. For administrative salary increases, \$4,421,000; within-grade pay increases for our Civil Service rated employees, \$371,000; for retirement contributions, Social Security, \$83,000; health benefits costs, \$318,000; SLUC is \$6,358,000; GSA recurring reimbursable services, \$100,000; Postal Service redistribution, \$71,000; telephone rate increases, \$56,000; telephone system line charges increase, \$16,000; FTS rate increase, \$403,000; GPO printing costs, \$58,000; department telecommunications redistribution, \$110,000; employee data payroll services, \$43,000; and general pricing level adjustment, \$1,126,000. That is the \$18,370,000 total.

Mr. EARLY. Can't we get control of those? What about on SLUC charges, Mr. Rooney; what if the Committee doesn't approve that money?

Mr. ROONEY. That is basically what happened last year, I think.

Mr. EARLY. Because GSA really didn't give us an explanation for their fees. They arbitrarily did what they wanted to do. The situa-

tion with security now is terrible. GSA is no longer providing guards and we don't know yet how we are going to compensate. I assume that guard services are going to be necessary.

Mr. ROONEY. They are going to be necessary. The main Justice Department building and the Hoover Building received an exemption from the removal of the guards because of the sensitivity of what goes on in those buildings. But in regard to SLUC, the GSA is proposing to raise the rental rate in Federal buildings to equal the fair market rate.

For example, the Main Justice Building goes up to about \$24 a square foot, which would be about what space would go for in the Federal Triangle area. The principal concern of the GSA is that the Federal building fund was established to provide services, maintenance, et cetera.

A large portion of the SLUC payment is used to build up the Federal Building Fund, so that when it comes time to build a new Federal building, there will be available funds accumulated over the years. This is my understanding of what is suppose to happen. What is happening here is that when we are paying less SLUC, or rent, their building fund loses reserves.

Mr. EARLY. I have trouble with that system. What is going to happen to the employees who have served as guards? If GSA pulls out of security under which office are they going to fall? I hope their jobs are protected.

Mr. ROONEY. I am not really sure what GSA plans to do. I know they are going to have some reallocation of the Federal Protective Service, but I really couldn't answer that. They are pulling them out of most of the Federal buildings and going to contract guards.

Mr. EARLY. Thank you, Mr. Chairman.

INCREASE IN CRIMINAL CASELOAD

Mr. DWYER. The number of criminal cases pending will grow by 2,000 at the end of 1984, I guess up to 30,333. Why aren't you requesting more money to pursue the litigation?

Mr. TYSON. We feel that we can absorb this additional work with the resources that we have, Mr. Chairman.

Mr. DWYER. But your justifications indicate that you are going to grow by 2,000 by the end of the year. You are not holding the line. You are falling behind.

Mr. TYSON. We did get some additional positions in a 1983 amendment that we will apply against this workload of the 222 positions mentioned earlier, 36 are attorneys and 186 are non-attorneys.

Mr. DWYER. On page 25 of the justifications there is a discussion of alternatives to prosecution. What alternatives are most promising in terms of providing a deterrent, while being cost effective?

Mr. TYSON. Pretrial diversion, of course, is one technique that we use. Through the Law Enforcement Coordinating Committees, we are deferring some concurrent jurisdiction cases into the hands of state and local prosecutors. That is another alternative. I guess the principal alternative to prosecution is the deferred prosecution program.

Mr. DWYER. Would you expand on that deferred prosecution program.

Mr. TYSON. That is the situation in which we enter into an agreement with first offenders—people with previously good records instead of actually prosecuting them, getting criminal conviction on their record and then perhaps probation or a suspended sentence. If they meet the requirements of the deferred prosecution agreement, and subject themselves to the supervision of the probation officer or the pretrial diversion official in the U.S. Attorney's office for a period of a year, for example, and will not breach that agreement by committing some other violation, we will not prosecute them for this particular thing.

Mr. DWYER. Similar to the pretrial intervention statutes that exist in several of the states?

Mr. TYSON. Right.

COORDINATION WITH STATE AND LOCAL AUTHORITIES

Mr. DWYER. Seeking prosecution by the state and local officials, you are aware that they have a terrible financial burden, as I am sure everyone is aware. I am just wondering, as the federal level seeks to encourage the state and local to prosecute, the state and local seeks to have the federal prosecute, and as a result we have a limbo where someone is just not prosecuted.

Mr. TYSON. There is always that. The total volume of criminal activity out there is probably so great that no matter how much we do to combine our forces on the battlefield, there is going to be some criminal activity that goes unprosecuted.

Some are prosecutable. Some are not prosecutable because of mistakes made in gathering evidence, or legal defects of some sort in connection with the infraction that would make it nonprosecutable. I think what is happening now is that for the first time in the last few years we have actually been sitting down up front with the state and local prosecutors and reaching some agreements as to what they will prosecute, what we will prosecute, and what we will work on jointly.

I have attended a lot of meetings of state and local prosecutors, conventions and meetings of one sort or another, National District Attorneys Association and other kinds of groups like that. The complaint that we have always had in the past is that we dump our junk on them and we take all the good cases.

I am not going to say that that hasn't happened. It has happened to some extent. So I confess error to all of my colleagues on the state and local side initially, and say the difference now is that we are going to sit down with you up front and we are going to try to work together in deciding what we prosecute and what you prosecute and what we work on together. It is no longer done at the other end of the road when we have looked at it and said we don't want it and send it across the street.

I am not going to say it is working in all 93 districts exactly the way we want it to work, but we now have Law Enforcement Coordinating Committees in 86 or 87 of the 93 districts. We will have committees in the other districts as soon as we get new U.S. Attorneys on board. We are working on those right now. It is a top prior-

ity for all of the U.S. Attorneys to set up a Law Enforcement Coordinating Committee and to develop a district law enforcement plan in conjunction with and in collaboration with their state and local counterparts. It is going a long way to fill those cracks where cases were falling through in the past.

Mr. DWYER. I suppose the junk case was not really dependent upon the strength of the case or the evidence, but rather how celebrated the defendant was going to be.

Mr. TYSON. There are a lot of ways of defining cases that a prosecutor wants to bring under a particular set of circumstances.

EVALUATION REVIEWS

Mr. DWYER. How many United States Attorneys' offices were evaluated during fiscal year 1982, and how many evaluations have you scheduled for fiscal year 1983?

Mr. TYSON. Our goal now is to evaluate every U.S. Attorney's office within an 18-month cycle. We have completed evaluating, since this administration came in, all but one, and that one is scheduled. That is our largest district.

We have actually gone back and, I think, given three or four districts their second evaluation. When my testimony was prepared for the House Judiciary Committee a couple of weeks ago, I was told that we had completed all but one over an 18-month period.

Mr. EARLY. Will you yield for a question?

Mr. DWYER. I certainly will.

MEDIA LEAKS

Mr. EARLY. Do these evaluations assess media leaks in the U.S. Attorneys' offices?

Mr. TYSON. These evaluations do not specifically get into the media leak issue. That issue is being treated separately by the Department.

Mr. EARLY. Where is it being treated, Mr. Tyson?

Mr. TYSON. I think Office of Public Affairs is working on revising the press guidelines. When we have U.S. Attorney conventions or conferences we always have a session on this issue.

Mr. EARLY. I don't know what you are doing at the sessions because you are not making much progress. I have never seen as many leaks in the Massachusetts U.S. Attorney's Office as in the past 18 months, so much that they are running front-page in The New York Times where the columnist is relating it entirely to the U.S. Attorney's office. If anything is an infringement on justice, it is that.

Thank you, Mr. Chairman.

Mr. DWYER. What were the most common problems that were discovered during evaluations?

Mr. TYSON. Let me give you a response for the record on that later, Mr. Chairman. I can tell you that general management problems, supervising attorneys, having indictment review committees review the matters before indictment, and just generally organizing the office to supervise attorneys, who are in my view supervisable but are very hard to supervise. Generally speaking, I think that is it on the legal side.

On the administrative side, it is a matter of insuring that proper records are kept. It is hard to get the attorneys to report what they do, so that we in turn will have a track record at the end of the year, and will have a day-to-day record of what is going on, who has got it, what is due today.

We are doing a number of things to improve, to computerize, install the PROMIS caseload management system, and things of that sort, to give us better day-to-day management. Management systems to keep up with the caseload, and supervising attorneys are probably it.

Mr. DWYER. Why don't you look at the surveys and supply that for the record, what was the most common deficiencies and what corrective actions were taken.

Mr. TYSON. All right, sir.

[The following information was submitted:]

COMMON PROBLEMS DISCOVERED DURING EVALUATIONS

The most common problems discovered during the evaluations conducted in 1982 had to do with inadequate facilities (e.g., office space, equipment, security) or an inadequate caseload management information system.

Inadequate facilities problems have been directed to the appropriate component within the Executive Office for U.S. Attorneys (EOUSA) for referral to the appropriate action office (e.g., the General Services Administration). The problems noted with regard to the caseload management information system will be addressed in the implementation of PROMIS. Over the next three years each office will receive an individual evaluation and a system tailored to particular needs.

Mr. DWYER. Thank you very much, Mr. Tyson. We have some additional questions which we will submit to you and ask you to answer for the record.

Mr. TYSON. Thank you, sir.

[The questions referred to and the answers follow:]

QUESTIONS SUBMITTED BY MR. DWYER

Caseload Management and Collections System

QUESTION:

On page 32 of the justifications reference is made to the Caseload Management System. How much have we spent on that system to date, what is its status, and how many U.S. Attorneys' offices currently have use of the system?

ANSWER:

To date, approximately \$12 million has been spent on the Implementation of the PROMIS caseload management system. Two mini/computer sites and two word-processing sites are fully operational and eight mini-computer sites are partially operational.

QUESTION:

How many U.S. Attorneys' offices do you anticipate will have access to the system by the end of fiscal year 1983 and by the end of fiscal year 1984?

ANSWER:

By the end of 1983, it is expected that 29 U.S. Attorneys' offices will be at least partially operational. By the end of 1984, about 78 sites will be at least partially operational.

QUESTIONS SUBMITTED BY MR. EARLY

U.S. ATTORNEYS

QUESTION:

The budget justification indicates an increase in the criminal litigation workload between 1982 and 1984. Is most of this increase due to the drug task forces activities? If not, what accounts for the projected increase?

ANSWER:

The increase in criminal litigation is due primarily to the increased resources which were authorized in the 1982 supplemental, but which have only begun to come on line in 1983. In addition, some increases are anticipated as a result of some adjustments in prosecutorial policies formulated by the separate Law Enforcement Coordinating Committees. The Drug Task Forces will be focusing on a few select cases so very little of this projected increase is due to the Task Forces.

QUESTION:

The budget justification also projects a significant increase in the Department's civil litigation workload. What accounts for this increase?

ANSWER:

As indicated in the budget submission, the increase has occurred in both U.S. defendant cases as well as U.S. plaintiff cases although the increase has occurred primarily in the latter category (30 percent increase) rather than the former category (11 percent increase). Two causes of action which stand out as the primary sources for the increase are suits for the recovery of overpayments and the enforcement of judgments in which the United States is plaintiff (29,839 such cases were filed in 1982 compared with 17,944 in 1981) and Social Security Disability Insurance claims in which the United States is defendant (8,002 such cases filed in 1982 compared with 5,539 in 1981).

QUESTION:

The budget proposes 32 additional positions for the Civil Litigation program of which 18 are clerical positions. The request states that there is an "existing deficiency in the category of personnel". What kind of deficiencies are you talking about?

What do you think accounts for these deficiencies?

ANSWER:

The category of clerical personnel includes a host of specialized functions which are not involved in the direct support of litigation. In addition to the clerical personnel who keep case files, reproduce records, field telephone inquiries and type legal documents and other correspondence, other clerical personnel are necessary to

provide administrative services (e.g., devising organizational procedures, recruiting personnel, procuring equipment and supplies, arranging for alterations to office space, etc.), to collect information on case activities for management decisionmaking, to manage a collection of reference materials for research, to maintain debtor accounts, to serve as office receptionists and so forth. The overall attorney/clerical ratio nationwide is approximately 1:1 with some variations among the districts. Because many clerical positions have had to be directed to the specialized functions listed above, the true attorney clerical ratio (considering only clerical personnel engaged in direct support of litigation) would be closer to 3:1. The deficiency is particularly significant in the civil litigation program as civil litigation, more than criminal litigation, tends to involve a good deal of paperwork and hence more typing and record-keeping. Thus, the disproportionate number of clerical positions requested for the civil litigation program increase is intended to compensate for the existing deficiency in this category of personnel.

MONDAY, MARCH 21, 1983.

UNITED STATES TRUSTEES

WITNESSES

QUINLAN J. SHEA, DIRECTOR AND COUNSEL, EXECUTIVE OFFICE FOR
U.S. TRUSTEES

KEVIN D. ROONEY, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRA-
TION

CHARLES R. NEILL, CONTROLLER

JOHN SHAFFER, DIRECTOR, BUDGET STAFF

Mr. DWYER [presiding]. The next item we shall consider is entitled "United States Trustees." We have with us the Director of the Executive Office, Mr. Shea. The amount provided under the Continuing Resolution for fiscal year 1983 is \$7,500,000. The budget justification indicates a reduction of \$8,261,000 associated with the elimination of the U.S. trustee program. Can you explain this difference to the committee?

Mr. SHEA. The \$8,261,000 includes both pay costs and the cost of adjusting the program to 1984 levels. The 1984 budget, as submitted, includes no funds for the trustee program. The Administration's position is that the program should be transferred to the judicial branch.

Mr. DWYER. We will insert Mr. Shea's prepared statement in the record at this point and then go directly to questions.

[Mr. Shea's prepared statement follows:]

GENERAL STATEMENT

[The prepared statement of Mr. Shea follows:]

STATEMENT OF THE DIRECTOR AND COUNSEL, EXECUTIVE OFFICE FOR U.S. TRUSTEES,
QUINLAN J. SHEA, JR.

Mr. Chairman and Members of the subcommittee: I am pleased to appear before you today to discuss the Department of Justice budget for 1984 as it pertains to the United States Trustees, a pilot program established by Congress in the Bankruptcy Reform Act of 1978.

The budget includes no funds for the trustee program in 1984. The Administration's position is that the program should be transferred to the judicial branch. As the Attorney General has said on a number of occasions, the Administration's position in no way reflects a judgment that the trustee program is being other than successful in achieving the ends for which it was established by Congress. It reflects, rather, the Administration's firm belief that the program would be more appropriately located in the judiciary.

I would be pleased to answer any questions you or any other members of the subcommittee may have.

1983 RESOURCES FOR THE U.S. TRUSTEE PROGRAM

Mr. DWYER. Mr. Early.

Mr. EARLY. Thank you.

Mr. Shea, the Continuing Resolution provided \$7.5 million. Has the full \$7.5 million been allocated to the trustees program?

Mr. SHEA. I anticipate spending close to and probably just below that amount over the fiscal year, yes, Mr. Early.

Mr. EARLY. Of the 167 positions, are they all presently filled?

Mr. SHEA. They are either filled or in the pipeline, Mr. Early.

Mr. EARLY. I really can't see why they would be in the pipeline at this time since there is sunset in nine months. I really think if we were given something that the Judiciary Committee studied for 10 years before they made a decision how we have got any vacancies in here now is beyond me. Supply for the record a breakdown of the 1982 expenditures for the pilot districts and the 1983 allocations for each of these offices for the record.

Mr. SHEA. Yes, sir.

[The information follows:]

FISCAL YEAR 1982 ACTUAL OBLIGATIONS BY OFFICE AND FISCAL YEAR 1983 ESTIMATED
OBLIGATIONS

Office	Fiscal year—	
	1982 actual obligations	1983 estimated obligations ¹
Portland	\$92,887	\$130,000
Boston	476,789	669,000
New York	387,661	571,000
Newark	404,437	567,000
Alexandria *	391,499	549,000
Birmingham	324,976	454,000
Dallas	308,390	446,000
Chicago	526,613	771,000
Minneapolis	328,512	461,000
Los Angeles	830,227	1,165,000
Denver	284,600	401,000
Wichita	162,889	229,000
EOUST	1,147,430	1,283,000
Total	5,666,910	7,696,000

¹ The supplemental pay request of \$196,000 is included in the 1983 figures. If the supplemental request is not appropriated, the estimate obligations will decrease proportionately for each office.

* An accounting change for fiscal year 1983 will permit separate reporting of expenditures for the Norfolk office. Until data on fiscal year 1983 are reported, the Alexandria office expenditures also include the data for Norfolk.

1983 PAY SUPPLEMENTAL

Mr. EARLY. I notice that the budget includes a pay supplemental for the trustees program. What percentage of your total pay cost requirements does this constitute?

Mr. SHEA. As a percentage? I am sorry, is that the supplemental for fiscal year 1983?

Mr. EARLY. Yes; you can provide that for the record.

Does any portion of the pay cost have to be absorbed?

Mr. SHEA. No.

[The following information was provided:]

DATA OF FISCAL YEAR 1983 PAY SUPPLEMENTAL

The pay supplemental for the U.S. Trustees is \$196,000 compared to costs of \$224,000. The supplemental will meet 87.5 percent of the total requirements.

The U.S. Trustees absorption equals the average absorption of the Department of Justice and is considerably lower than pay absorption required by many agencies.

FULL-SCALE OPERATIONS

Mr. EARLY. Has the travel ban been lifted?

Mr. SHEA. Yes, sir. The offices are in a full-scale operational posture, Mr. Early, and I would like to say the only reason that people are in the pipeline is that in just about every instance the hiring decision has been made. It is just a matter that we still have people who have given notice or they are in for name and fingerprint checks. These are imminent actions, sir.

APPOINTMENTS TO VACANT U.S. TRUSTEE POSITIONS

Mr. EARLY. All of the districts have a trustee in charge of operations?

Mr. SHEA. There are three acting United States Trustees at this time, Mr. Early. I don't think I would be giving away any secret, though, if I said that two of those individuals have in fact been selected to be the permanent U.S. trustees pending the—

Mr. EARLY. Why don't we make them permanent before it sunsets?

Mr. SHEA. Yes, sir. At this time there still has not been a selection for a permanent replacement in New York City.

Mr. EARLY. What is the status of the Chicago district?

Mr. SHEA. The Chicago district is up and it is running very well, Mr. Early. Susan Pearson DeWitt is now in there as the Acting United States Trustee. That office, as you know, is very close to my heart, since I commuted to it every other week for nine months.

Mr. EARLY. I don't know how a program can be effective when the director has to run a regional office. I really don't think that is fair. I sympathize with you.

Mr. SHEA. But the office is staffed and it is running, and it is running very well, Mr. Early.

Mr. EARLY. Was Susan DeWitt an in-house appointee?

Mr. SHEA. She was former chief of the Consumer Protection Division of the Illinois State Attorney General's Office.

ABT ASSOCIATES' PROGRAM EVALUATION

Mr. EARLY. I think an in-house appointment like that is great, because there are a lot of competent people in those offices.

What is the status of the ABT Associates' evaluation of the U.S. trustee program?

Mr. SHEA. After some delays that I truly believe were unavoidable, I expect that I will have that as a final report before the end of April.

Mr. EARLY. Would you forward a copy of that to the Committee, please, and I would like to have a copy of that myself. Has there been a preliminary report submitted?

Mr. SHEA. I have been briefed on the nature of the findings that are going on, Mr. Early, yes.

Mr. EARLY. Please give me a quick evaluation of the preliminary report. Was the program a success or not?

Mr. SHEA. The faith that this Subcommittee has put in that program is going to be vindicated, Mr. Early.

1984 APPROPRIATION REQUEST

Mr. EARLY. Under the authorization legislation, this program will sunset April 1 of 1984 unless it is reauthorized.

I understand that the Judiciary Committee is awaiting evaluation before holding hearings on the reauthorization question. Yet I see the fiscal year 1984 budget again proposes to terminate the program by September 30, before its expiration date.

Why? Shouldn't the Department be awaiting the evaluation to make a decision?

Mr. ROONEY. At the Department level the Attorney General has considered exactly the same facts you have just posted, and has submitted a request to the OMB to continue to fund that program through April 1, the sunset date. That request for an amendment in 1984 is still at OMB.

Mr. EARLY. I see. What amount of money is requested to carry them through April 1, 1984?

Mr. SHEA. Slightly in excess of \$4 million, which is essentially a straight extension of the \$7.5 million for fiscal year 1983 plus some minimal costs associated with planning for the various options that could flow from the different decisions Congress could make: shut it down, continue it, expand it, or whatever.

COSTS AFFILIATED WITH PROGRAM SUNSET

Mr. EARLY. I certainly think the Department is acting responsibly by doing that; at least it submitted a request to OMB.

If the program were to sunset April 1, what would be the required close-out cost? Do we know yet?

Mr. SHEA. Yes, sir. It has been estimated at \$2,756,000, sir.

Mr. EARLY. What would happen to the career people in these positions?

Mr. SHEA. There are very few career people in this program, given its experimental nature. Virtually everyone in the field offices is under the Schedule B, which is a temporary hiring authority. They do not have career status. The personnel in the executive office are career Department of Justice employees.

However, I would like to go beyond the technical legal answer to that question and say that when we ran the RIF in the beginning of last year, I put an emphasis on helping our people. And virtually everyone was placed before they actually went off the rolls.

I would do the same thing, and I am sure the Department would do the same thing.

OVERTIME COSTS

Mr. EARLY. Tell me how much overtime you pay, Mr. Shea.

Mr. SHEA. I could provide the figure for the record.

[The information follows:]

OVERTIME OBLIGATIONS

In fiscal year 1982, a total of \$15,371 was obligated for overtime. Through the first five months of fiscal year 1983, a total of \$5,378 has been paid.

UNCONTROLLABLE VERSUS ADMINISTRATIVE OVERTIME

Mr. EARLY. But you do pay administrative overtime?

Mr. SHAFFER. No, not in this program.

Mr. EARLY. How can there not be administrative overtime considering all of the overtime we pay in the Justice Department.

As far as I know, people with DEMPAT pilot program in Massachusetts are putting in numerous overtime hours. If you are not going to pay them, you should at least acknowledge their work somehow.

Mr. ROONEY. Mr. Early, within the Department the overtime is paid to clerical employees who work overtime at the maximum rate, depending on the hours worked. Most professionals, whether they be attorneys or others within the Department, except for investigators in the FBI and DEA or INS agents receive no overtime.

Mr. EARLY. I think that is wrong, Mr. Rooney. Sometimes I think that the enforcement arm, the sexy part of Justice which is in the paper, takes advantage of the administrative branch, which probably does as much work.

I certainly intend to bring this up with the Attorney General when he comes before the committee in the future. I really think it is wrong.

CASELOAD DATA

How many cases currently are being handled by the U.S. Trustee Offices, and how does this compare with last year, Mr. Shea?

Mr. SHEA. The filings for the first quarter of fiscal year 1983 ran at just about the same level as the average for fiscal year 1982.

In fact, in the chapter 1 and chapter 7 areas, I am pleased to say there was a 4 percent reduction, which may not be statistically significant, but it is very welcome.

[Subsequent to the hearing the following information was received:]

CASELOAD DATA

Active caseloads for both chapter 7 and 11 cases increased from 43,193 at December 31, 1981, to 52,902 at December 31, 1982. The chapter 11 caseload figures almost doubled between those two dates, increasing from 3,390 to 6,555. Data on chapter 13 cases is kept only in terms of filings. Statistics on active chapter 13 caseloads are not kept by the U.S. Trustees because these cases are automatically assigned to standing trustees to perform case administration functions. The following table shows the active caseload for each of the pilot districts at the end of December 1981 and December 1982.

COMPARISON OF ACTIVE CASES IN U.S. TRUSTEE PILOT DISTRICTS

First Quarter Data for FY 82 and FY 83

OFFICE	CHAPTER 7 CASES				CHAPTER 11 CASES				TOTAL ACTIVE CASES (BOTH CHAPTERS)			
	Active, End of 1st Qtr FY 82	Active, End of 1st Qtr FY 83	% Change	Active, End of 1st Qtr FY 82	Active, End of 1st Qtr FY 83	% Change	Active, End of 1st Qtr FY 82	Active, End of 1st Qtr FY 83	% Change	Active, End of 1st Qtr FY 82	Active, End of 1st Qtr FY 83	% Change
PORTLAND	584	464	-20.5	52	44	-15.4	636	508	-20.1			
BOSTON	1,774	1,999	12.7	308	466	51.3	2,082	2,465	18.4			
NEW YORK	1,636	1,980	21.0	406	745	83.5	2,042	2,725	33.4			
NEWARK	7,685	8,041	4.6	394	745	89.1	8,079	8,786	8.8			
ALEXANDRIA	2,446	2,433	-0.5	93	234	151.6	2,539	2,667	5.0			
NORFOLK	1,343	1,090	-18.8	19	46	142.1	1,362	1,136	-16.6			
BIRMINGHAM	1,574	1,729	9.8	94	119	26.6	1,668	1,848	10.8			
DALLAS	2,022	2,995	48.1	288	478	66.0	2,310	3,473	50.3			
CHICAGO	8,035	7,795	-3.0	553	873	57.9	8,588	8,668	0.9			
MINNEAPOLIS	4,208	3,655	-13.1	173	383	121.4	4,381	4,038	-7.8			
LOS ANGELES	5,513	9,830	78.3	884	2,160	144.3	6,397	11,990	87.4			
DENVER	1,615	3,032	87.7	76	175	130.3	1,691	3,207	89.7			
WICHITA	1,368	1,304	-4.7	50	87	74.0	1,418	1,391	-1.9			
TOTAL	39,803	46,347	16.4	3,390	6,555	93.4	43,193	52,902	22.5			

ASSETS AND LIABILITIES IN CASES HANDLED BY U.S. TRUSTEES

Mr. EARLY. No, I don't think it is. That is why I am going to ask you to provide what are the total amounts of assets and liabilities involved in these cases.

I want you to provide a much more detailed breakdown for the record on bankruptcy cases. Provide a list of the ten largest cases now pending and include the amount of assets and liabilities involved in each case.

Mr. SHEA. Yes, sir.

[The information follows:]

DATA ON ASSETS AND LIABILITIES OF CASES IN U.S. TRUSTEES DISTRICTS

From data provided by the Administrative Office of U.S. Courts (AOUSC), cases filed in the pilot districts had scheduled assets of \$47.7 billion and liabilities of \$46.6 billion during the 1982 calendar year. These data were compiled from the initial schedules filed by debtors with the Bankruptcy Courts, and they reported at book value, which can be much greater than actual value received in the event of liquidation.

FIFTEEN LARGEST CASES IN THE PILOT DISTRICTS

[By liabilities]

Case name and office	Liabilities	Assets ¹
Wickes, Los Angeles	\$2,000,000,000	\$2,000,000,000
Lombard Wall, New York	2,000,000,000	2,000,000,000
GHR Energy Corp., Boston	1,500,000,000	1,500,000,000
Johns-Manville, New York	* 1,100,000,000	2,200,000,000
Braniff Airlines, Dallas	1,000,000,000	350,000,000
Jartran, Chicago	770,000,000	(*)
OPM Leasing, New York	504,000,000	446,000,000
Saxon Industries, New York	461,000,000	503,000,000
Energy Cooperative Inc., Chicago	400,000,000	(*)
AM International, Chicago	388,000,000	304,000,000
Revere Copper & Brass, New York	237,000,000	402,000,000
HRT Industries, aka Zody's Discount Department Store, New York	184,000,000	234,000,000
Sambos, Los Angeles	180,000,000	130,000,000
KDT Department Stores, New York	167,000,000	184,000,000
UNR, Chicago	* 165,000,000	228,000,000

¹ Assets are usually reported at book values, which are often much greater than the actual value received in a liquidation.

* Does not include claims filed by asbestos victims.

* Intermediate.

THE MARATHON PIPE LINE DECISION

Mr. EARLY. What effect has the Marathon pipeline decision had on the trustee's program?

Mr. SHEA. It has caused us to operate in—although we are not ourselves in a legal limbo—it has caused the entire bankruptcy community a great deal of confusion and there have been ancillary litigations in district courts challenging whether bankruptcy courts had jurisdiction to act, et cetera. So we have had to be involved in that.

There has been an operational impact, but we are still getting the job done.

Thank you, Mr. Chairman.

Mr. DWYER. Mr. Shea, we have some more questions that I will submit to you and you will submit your answers for the record.

Mr. SHEA. All right.

[The question referred to and answers follow:]

QUESTIONS SUBMITTED BY MR. DWYER

Termination of U.S. Trustees Pilot Program

QUESTION:

Since there would only be six months in fiscal year 1984 until the program terminates by law, why does the Department of Justice seek to end this pilot program at the end of fiscal year 1983?

ANSWER:

The initial decision to seek no funding for the U.S. Trustee program in 1984 was based upon an earlier Department recommendation that Congress transfer the program to the Judiciary. In recognition that Congress has not yet acted on this matter, the Department is currently seeking OMB approval for funding of the program at its current level of operations through the sunset date of March 31, 1984.

QUESTION:

If the Congress should approve your request to terminate the U.S. Trustee program at the end of fiscal year 1983, what effect would there be on the budget of the Federal Judiciary?

ANSWER:

The answer to this question depends on whether or not the Judiciary is granted statutory authority to replicate the U.S. Trustee program, as it currently exists. The level of supervision of bankruptcy case administration differs significantly between the pilot districts and the non-pilot districts. In the non-pilot districts, a reduced level of case supervision is being provided by deputy estate administrators located in the clerks' offices. The pilot program was established by Congress in order to determine whether the heightened level of supervision found in the U.S. Trustee districts was desirable and cost effective, and the evaluation of the program currently being completed will address this question.

Should the Congress decide not to continue the U.S. Trustee program within the Judiciary, the Financial Officer for the Administrative Office of the U.S. Courts has indicated that estate administrators would be assigned to the eighteen pilot districts to provide the reduced level of case supervision now found in the non-pilot districts. He indicated that the total costs for 164 estate administrators in all judicial districts in 1984 would be \$8,528,000.

QUESTION:

I understand that an automated case management system has recently been installed in several of the pilot district offices. How much was spent on this program and what would happen to the system if the program is terminated?

ANSWER:

About \$325,000 over three fiscal years has been spent for programming and equipment associated with the automated case management system. If the U.S. Trustee program is transferred to the Judiciary, the system design and the data collected to date could also be transferred.

QUESTION:

Could this equipment be used by the Judiciary if it were to assume the functions of the U.S. Trustees or could this equipment be used by other agencies and offices within the Department of Justice so that we could forego some of the requests for additional ADP equipment that are in the fiscal year 1984 budget?

ANSWER:

Most of the equipment used in the automated case management system is word-processors with limited files management capabilities. These machines could be used by other components of the Department as word-processors. Since relatively few machines have been purchased for the Trustees program, the impact on the overall Justice budget in this area would be slight.

QUESTION:

If the functions of the U.S. Trustees are assumed by the Federal Bankruptcy Courts, would it be more costly or less expensive to operate this program?

ANSWER:

If Congress were to amend the Bankruptcy Reform Act to allow all of the functions of the U.S. Trustee program to be assumed by the Judiciary, there should be little difference in cost. The evaluation report that is being prepared on the U.S. Trustee program will address this question in greater detail. The preliminary evaluation findings indicate that there is minimal duplication of effort between activities currently being performed by the U.S. Trustees and by the clerks' offices; accordingly, we would not anticipate significant savings in this area.

Study of U.S. Trustees Program

QUESTION:

I understand that the Department of Justice has contracted for a study of the U.S. Trustee program. What is this study designed to do? What is its cost? How long will it take and when is the study expected to be completed?

ANSWER:

The Department awarded a contract to ABT Associates of Cambridge, Massachusetts, in January 1982 to conduct the Congressionally mandated evaluation of the U.S. Trustee program. The specific evalua-

tion objectives set for the contractor were (1) to compare the administration of bankruptcy cases in pilot and non-pilot districts under the Bankruptcy Reform Act; (2) to determine whether the U.S. Trustee system is successful in accomplishing its objectives; (3) to identify possible modifications to the U.S. Trustee system which could improve its effectiveness; and (4) to determine whether alternatives to the U.S. Trustee system could do as well or better at accomplishing the objectives. The total cost of the study was \$383,979. The study has been completed and a final report is due in the Department by April 30, 1983.

MONDAY, MARCH 22, 1983.

UNITED STATES MARSHALS SERVICE

WITNESSES

WILLIAM E. HALL, DIRECTOR

HOWARD SAFIR, ASSISTANT DIRECTOR FOR OPERATIONS

GARY MEAD, ASSISTANT DIRECTOR FOR ADMINISTRATION

JAMES A. SHEALEY, COMPTROLLER

KEVIN D. ROONEY, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION

CHARLES R. NEILL, CONTROLLER

JOHN R. SHAFFER, DIRECTOR, BUDGET STAFF

Mr. DWYER [presiding]. We will next consider the fiscal year 1984 budget request for the United States Marshals Service. The request is \$114,434,000, which represents an increase of \$10,228,000 above the amount appropriated to date for fiscal year 1983.

We are pleased to have with us again this year the Director of the Marshals Service, Mr. William Hall.

GENERAL STATEMENT

Mr. Hall, I see you have a prepared statement. You may proceed in your own way.

Mr. HALL. Thank you very much. With me, I have Howard Safir, James Shealey and Gary Mead.

My statement is fairly short. Perhaps I should just read it and proceed, if that is satisfactory.

I am pleased to have the opportunity to appear before you in support of the 1984 appropriation request for the United States Marshals Service. This request provides for 2,068 positions and \$114,434,000, which is a net increase of \$6,991,000 in funding and a decrease of 19 positions from the anticipated appropriation of 2,087 positions and \$107,443,000 for 1983.

This request includes \$4,561,000 for uncontrollable increases, nonrecurring decreases of \$414,000 and program changes totaling \$2,844,000.

On Fugitive Investigations and Court Orders, a program decrease of 50 positions and \$1,069,000 is requested due to a reduction in the service of private process by Deputy U.S. Marshals. Public Law 97-462 relieves the Marshals Service from the responsibility for service of most private process. The Service will continue to serve private process in cases involving indigents, admiralty and when the presence of a law enforcement officer is required.

On Security Support, an increase of \$913,000 and 31 positions is requested to restore the Court Security Program to its 1979 position level. This increase would ensure that all criminal trials projected for 1984 will be adequately supported.

(1423)

An additional increase of \$3,000,000 is requested to fund specific details requiring extraordinary levels of security. These funds have been provided in recent years by an annual supplemental request. However, only \$1,000,000 was included in the base amount.

SUPPORT OF U.S. PRISONERS

In Support of United States Prisoners, the Service is also requesting \$44,768,000 for the Support of United States Prisoners appropriation in 1984. This is an increase of \$10,514,000 over the anticipated appropriation for 1983.

An increase of \$5,000,000 for this appropriation is requested to fund the estimated 100,000 jail days not funded at the base level and to compensate for the 24-percent increase in rates charged by local governments for detention services not totally reflected in uncontrollable increases.

There is a projected increase of 22,120 days of paid confinement and 600 days of hospital services in addition to enhanced levels of mandatory prisoner health care services provided under jail contracts and outpatient care expected over the fiscal year 1983 level.

Finally, I would like to note that although this request contains no funds for the Cooperative Agreement Program, there is a language change that would permit this appropriation to use up to \$10,000,000 of the funds in the Organized Crime Drug Enforcement appropriation for the purpose of renovating, equipping and constructing state and local jail facilities that we need to house Federal prisoners.

These funds are to be used to bring existing jails up to Federal standards and to assure that space is available near Federal courts for pretrial detainees and those awaiting transfer to Federal correctional facilities.

This concludes my prepared statement, Mr. Chairman. I shall be pleased to answer questions you or Members of the Subcommittee may wish to ask.

Mr. DWYER. Thank you, Mr. Hall.

PRIVATE PROCESS

The 1984 budget request reflects a program decrease of 50 positions and \$1,069,000 due to reduction in the service of private process by the U.S. and Deputy U.S. Marshals.

The justification material also stated that under Public Law 97-462, responsibility for service of most private process has been removed from the Marshals Service. Can you tell us specifically what changes were made by this statute?

Mr. HALL. This will relieve in major part the Marshals Service from serving private process. We felt that this was one area that could be better supported by the private sector, except in those cases where there are indigents or admiralty matters, or where a law enforcement officer might be necessary to deal with some special threat. Responsibility for these cases would remain with us.

We think this is an effective way of transferring some responsibilities from the Marshals Service, and will not diminish the effective service provided the courts.

Mr. DWYER. If the Committee approves the requested reduction,

how many positions will the Marshals Office have for service of the private process for the indigents and so on.

Mr. HALL. About 16.

Mr. DWYER. About 16?

Mr. HALL. Yes.

SECURITY SUPPORT

Mr. DWYER. The fiscal year 1984 budget request also includes an increase of 31 positions and \$3,913,000 for extraordinary protective details, and additional courtroom security. What is your usual standard of courtroom security that the Marshals Service provides?

Mr. HALL. We try to provide a standard support that will effectively guarantee the integrity and the safety of the judiciary.

Whenever there is an extraordinary situation or trial in which there are special threats or special circumstances, we adjust our posture accordingly. We believe that there should be a deputy marshal present in the court any time there are defendants in custody.

We don't feel that in most cases there should be a deputy marshal present when it is a noncontested civil matter. We don't feel that the threat level would justify that expenditure of resources, but we have to look at special cases that require different extraordinary details. Some of the details demand very extensive security.

Mr. DWYER. How do you determine when you need the additional courtroom security?

Mr. HALL. Usually, the judge is not reluctant to bring the matter to our attention if he feels that there is some special need.

We will conduct a threat assessment. We will look at the situations that are concerning the judge, and provide additional resources when we think it is necessary.

Mr. DWYER. Is this done in conjunction with the administrative office of the United States Courts?

Mr. HALL. Yes, it is.

Mr. DWYER. Are the courts fully satisfied with the level of security that you are providing to them in the courtrooms?

Mr. HALL. I think they are generally satisfied. I think there are instances where the judiciary would like a higher level of service.

I think that would be true almost in any area of responsibility any agency would have. Some want more, some would want less. The great majority are satisfied.

Mr. DWYER. If the request is approved, will you have sufficient resources in fiscal year 1984 to provide extraordinary protective details, and additional courtroom security at all locations where such a need has been determined?

Mr. HALL. We believe that that would be correct.

WITNESS SECURITY PROGRAM

Mr. DWYER. On page 50 of the justifications, you indicate that witnesses in the Witness Security Program are now being given psychological and vocational tests, as well as counseling.

Are all witnesses in the Witness Security Program being given these services, or just certain groups?

Mr. HALL. All that are brought into the program now are being given this psychological test. Heretofore, that was not done.

Frankly, we think some people were brought into the program that should not have been brought in. We feel this will be an effective management tool to prevent those circumstances from happening in the future.

Mr. DWYER. What about vocational tests?

Mr. SAFIR. We are giving a vocational test to every witness who enters, and in those hard-core cases that entered prior to the testing being implemented, we are going back and testing those individuals as well.

Mr. DWYER. For what purpose? I think I can guess what the purpose is.

Mr. SAFIR. For employment purposes.

Mr. DWYER. As they make their complete change.

Mr. SAFIR. That is correct.

Mr. DWYER. I understand that this program is being carried out on a contract basis. Could you tell us how much these contracts are expected to cost in fiscal year 1983, and in fiscal year 1984?

Mr. HALL. We estimate \$60,000 in fiscal year 1983 and \$110,000 in fiscal year 1984.

Mr. DWYER. Could you give us a few words on what the results of the testing have been to date?

Mr. HALL. The primary results, of course, are that for some of these people, it is very difficult to find meaningful jobs for them. Many of them have not been engaged in occupations that would lend any record to helping them get a job in the private community.

So by giving these tests, at least vocational skills that are latent within these people are brought to light and it helps us to better gainfully employ them.

Heretofore, if we miss then these people are unhappy and there is a tendency for them to be dissatisfied with the program, perhaps want to go back to their former ways. If we can meaningfully find them productive employment, we think the chances of them finding a happy existence in their new life is much greater.

Mr. DWYER. How long do you provide subsistence to a witness?

Mr. HALL. It depends on the circumstances. We try to get the people employed as soon as we can, at which time we terminate the assistance.

Some people go longer for the reasons just stated, it is difficult for them to get employment.

Mr. DWYER. How many witnesses have been brought into the Witness Security Program in the last two fiscal years, and what is the basis for admitting these witnesses into the program?

Mr. HALL. In 1982, there were 324 newly accepted witnesses; in 1981, 282. The witnesses are brought in based upon the estimated ability of the witnesses to testify in organized crime cases and bring defendants to the bar of justice.

Mr. DWYER. Does the Marshals Service consider the probability of a witness to become a law-abiding citizen prior to admitting him into the program?

Mr. HALL. Yes, we do, and with significant increases in selectivity.

I think our recidivism rate is very good considering the fact that over 95 percent of the people that are brought into the program have previous criminal records. It is very difficult to predict with certainty that all of the people are going to be successfully readjusted to a new life style. But we think the record is very good.

Mr. DWYER. How many of the witnesses brought into the program in the last two fiscal years were involved in trials not involving organized crime?

Mr. HALL. May I submit that for the record?

TRIAL APPEARANCES OF WITNESSES

Mr. DWYER. How many of the witnesses admitted into the program in the last two fiscal years have never appeared at trial?

Mr. HALL. I would say it is a very small percent.

Mr. DWYER. You might want to submit something for the record.

Mr. HALL. All right.

[The information follows:]

PROTECTED WITNESSES NOT APPEARING AT TRIAL AND NOT INVOLVED WITH ORGANIZED CRIME CASES

At this time, the Office of Enforcement Operations, Criminal Division (The Office with responsibility for admission to the Program) is unable to evaluate the information requested without a computerized system. A review of all entries for both fiscal years would be necessary. This review would require a massive manual search of 4,137 files and coordination with the Witness Security Division of the U.S. Marshals Service. It is anticipated that the automation funding requested for the Criminal Division in the 1984 budget will provide initial support to this office in addition to other Division operations.

EL PASO INTELLIGENCE CENTER

Mr. DWYER. You referred to the El Paso Intelligence Center. Could you tell the committee exactly what this Center is and what services it furnishes to the Marshals Service, and what cost, if any, it places on the Marshals Service?

Mr. HALL. The El Paso Intelligence Center, or EPIC, is an intelligence gathering-dissemination group. It provides us and other users with tracking information on subjects that we are looking for, as opposed to everyone doing their own thing.

They are working together and using this as one central focal point for disseminating information. It has been very effective in some of our fugitive investigations.

I think the cost is negligible. We have two people employed there, so that would make the cost about \$50,000 per year.

Mr. DWYER. Is it just for the fugitives program or are there other—

Mr. HALL. Well, that is our primary interest.

Mr. ROONEY. The EPIC Center is basically for tracking intelligence of people and drugs coming across the border.

INFORMANTS FUND

Mr. DWYER. Also on page 53 of the justifications, you discuss the use of an informants fund to assist in the arrest of fugitives.

You state that 56 informants were paid for information leading to 54 arrests in fiscal year 1982.

How does the program determine which informants will be paid and how much they will be paid?

Mr. HALL. We determine who the informant has information concerning, the degree of interest we have in the subject that the informant has information upon, and of course we try to keep the informant money at a minimum.

You know from the information you have there, we do not expend a great deal of funds on that, comparatively. We think the results are fairly significant.

Mr. DWYER. What is the largest sum you have ever expended on one informant?

Mr. HALL. The largest sum was \$2,500.

MOVEMENT OF NUCLEAR WEAPONS

Mr. DWYER. Finally, on page 53, you discuss your assistance to the Air Force in moving nuclear weapons. How many deputy marshals are involved in this activity, how much does it cost, and is the Marshals Service reimbursed for the service?

Mr. HALL. We are reimbursed for the service and it usually runs 10 to 12 positions.

Mr. DWYER. Mr. Early.

FUGITIVE INVESTIGATIVE STRIKE TEAM

Mr. EARLY. Thank you, Mr. Chairman.

Would you bring us up to date on the concept of the Fugitive Investigative Strike Team?

Mr. HALL. This is something we developed in-house some months ago. We realized in some of the large metropolitan areas there were a large number of fugitive warrants that weren't being worked. We were vitally concerned with this.

We also realized that to effectively work a large warrant backlog, that we should send in a special team of trained people that could augment on a temporary basis local resources. So we would send in advance teams. They would purge the warrants. They would make sure all the warrants that were in the files were active warrants. We would do case capsules on the subjects we were looking for. In other words, do a lot of advanced preparation.

Then we would send in usually a dozen or so of our people from the various fugitive operations across the country. They would go in and work 30 to 60 days on a highly intensified search, working the leads that had already been collected.

The results were astounding.

Mr. EARLY. How many marshals are assigned to this program?

Mr. HALL. On a full-time basis, there are none. But these are specialists, enforcement specialists in various parts of the country that are picked for their ability to contribute to a special situation, and are brought in usually for 30, 60 days.

Mr. EARLY. In how many cities does it operate?

Mr. HALL. We have worked in the past in Miami, Los Angeles, Washington, D.C., and New York. We have done four so far.

Mr. EARLY. Do you plan to expand the program?

Mr. HALL. We plan to continue doing these in selected areas, yes.

Mr. EARLY. You don't think it duplicates existing activities?

Mr. HALL. To the contrary, we think the cost effectiveness that we have achieved is excellent. The cost per arrest is significantly lower than done on a day-by-day basis with local resources, because of the intensity of the effort.

SECURITY SUPPORT

Mr. EARLY. The budget request reflects an increase of 3.9 million and 31 positions for security support activities.

Why are you requesting this increase?

Mr. HALL. This is to take us back to the 1979 level of positions in the judicial support area. We lost positions in the interim. What we are trying to achieve is to take us back to the same level we were in 1979.

Mr. EARLY. Is this to pick up the slack, Mr. Rooney?

Mr. ROONEY. No.

Mr. EARLY. Is the increase to security buildings?

Mr. HALL. No, for judges.

Mr. EARLY. For judges. If any career guards get laid off from GSA, will they be able to apply for these new positions?

Mr. HALL. No, the only way that we hire people, Mr. Early, is through the deputy marshal's announcement. All of our people are brought in as new deputy marshals, and I doubt that they would be afforded an opportunity to laterally transfer to us.

CONTRACT GUARD SERVICES

Mr. EARLY. I see. But I understand that the Marshals Service will initiate a new program for contracting guard services and that the Service will perform the function in lieu of GSA?

Mr. HALL. That is correct. This will be done through contracting with private concerns who will provide guard service. It is entirely possible that some of these people may find employment with some of these private concerns that we will be contracting with. We believe that will be altogether reasonable.

Mr. EARLY. They have been Federal employees, in some cases 10, 15, 20 years. Why wouldn't we benefit from hiring them as Federal employees?

Mr. HALL. Well, the program is not designed for us to hire Federal employees.

Our initial wish was that we would hire new deputy marshals. But that was not to be. We are now dealing with the private sector, and we would have no control individually over who the private sector hires.

Mr. EARLY. So there are no additional resources included in the 1984 budget for this purpose?

Mr. HALL. For that purpose, that is correct.

Mr. EARLY. All right.

Mr. ROONEY. Effectively, Mr. Early, where GSA would have been doing the contracting, the management of those contracts is going to be done by the Marshals Service.

Mr. EARLY. Will you transfer funds from GSA?

Mr. ROONEY. We did a 1983 amendment that was included in the 1983 Continuing Resolution.

Mr. HALL. This is being done by the Administrative Office, of the U.S. Courts of course, not by us.

U.S. MARSHAL POSITION VACANCIES

Mr. EARLY. How many of your regional marshals positions are filled?

Mr. HALL. The U.S. Marshal?

Mr. EARLY. Yes.

Mr. HALL. I don't know that I understand the question.

Mr. EARLY. Let me be more specific.

What is happening in Massachusetts? We have had a vacancy for over two years.

Mr. HALL. That is correct.

Mr. EARLY. It must not be a very important job.

Mr. HALL. We would like very much to see the position filled.

Mr. EARLY. If you can't fill it in two years, you should make the acting director the marshal. Do something. He is evidently doing a half-decent job.

Mr. HALL. Of course, he is court appointed. He is acting and being paid as if he were a full-time United States Marshal.

Mr. EARLY. What is happening in Massachusetts is a fiasco.

Mr. HALL. I have nothing to do with the political appointment process.

Mr. EARLY. It certainly takes away from your responsibility.

Mr. HALL. I would like very much to see the position of United States Marshal made a career position.

Mr. EARLY. Have you done any studies of that idea?

Mr. HALL. I talked with Congressman Kastenmeier about that just several weeks ago.

Mr. ROONEY. Congressman Kastenmeier has a proposal.

Mr. EARLY. It is such an important position.

Mr. Rooney, with regard to the GSA security guards, I don't know what is going to happen to them, but I hope we protect these federal employees. I think that must be everyone's goal.

Some of these guards have 15, 20 years of service. They shouldn't be threatened with the loss of their job.

We don't pay very much money to those people. One of the benefits was always the security of the position. It would be irresponsible to just drop them.

Thank you, Mr. Chairman.

SUPPORT OF U.S. PRISONERS

Mr. DWYER. Mr. Hall, we have some questions on the fiscal year 1984 request for "Support of United States Prisoners". The request is for \$44,768,000 which is an increase of \$10,514,600 above the amount enacted to date for fiscal year 1983. We shall insert the justifications at this point in the record.

Mr. HALL. Very fine.

[The justification materials follow:]

Department of Justice
Legal Activities
Support of United States Prisoners
Estimates for Fiscal Year 1984
Table of Contents

<u>Item</u>	<u>Page</u> <u>Number</u>
Summary Statement.....	1
Proposed Authorization Language.....	2
Justification of Proposed Changes in Authorization Language.....	3
Proposed Appropriation Language.....	4
Crosswalk of 1983 Charges.....	5
Summary of Requirements.....	6
Justification of Program and Performance.....	7
Summary of Requirements by Object Class.....	10

Legal Activities
Support of United States Prisoners
Summary Statement
Fiscal Year 1984

The request for Support of United States Prisoners in 1984 is \$44,768,000. This request represents an increase of \$10,514,000 over the anticipated 1983 appropriation.

The primary purpose of the appropriation is to promote the care of Federal prisoners in Marshals Service custody housed in contract detention facilities at a level of confinement consistent with Federal detention standards. Contracts will be made with state and local authorities in 1984 for use of approximately 680 jail facilities to house prisoners and detained witnesses prior to and during trial, and sentenced prisoners for up to 30 days after judgment. In addition, the program has the responsibility for providing for the safe, sanitary, and humane detention of Federal prisoners as outlined in the Federal detention standards.

Care of U.S. Prisoners in Non-Federal Institutions

The 1984 request for the activity, "Care of U.S. Prisoners in non-Federal Institutions", will enable the Marshals Service to pay for over 1,032,000 days of prisoner confinement in contract jails. Intermittent deputy U.S. marshals (IDUSMs) will replace contract guards, in an emergency, for hospitalized Federal prisoners. This activity will reimburse the Attorneys and Marshals appropriation for the use of IDUSMs.

Although no funds are included in this appropriation for the Cooperative Agreement Program under which State and local governments may receive financial assistance for renovating, constructing, and equipping jail facilities that have Federal prisoners, the Organized Crime Drug Enforcement Appropriation will reimburse the Cooperative Agreement Program with up to \$10,000,000 in 1984. It is anticipated that Federal excess property (linen cloth, medical, food service and laundry equipment, emergency electrical generators, etc.) will be acquired by the local facility contractors thereby reducing, as much as possible, the requirement to purchase new property for the Cooperative Agreement Program.

Support of United States Prisoners

Proposed Authorization Language

The following authorization language is requested for Support of United States Prisoners:

For the Support of United States Prisoners in non-Federal institutions, including-

- (A) necessary clothing and medical aid, payment of rewards, and reimbursements to Saint Elizabeths Hospital for the care and treatment of United States prisoners, at per diem rates as authorized by section 2 of the Act entitled "An Act to authorize certain expenditures from the appropriations of Saint Elizabeths Hospital, and for other purposes", approved August 4, 1947 (24 U.S.C. 168a);
- (B) entering into contracts, intergovernmental service or cooperative agreements for only the reasonable and actual cost to assist the government of any State, territory or political subdivision thereof, for the necessary construction, physical renovation, and the acquisition or donation of equipment, supplies, or materials required to improve conditions of confinement and services of any facility which confines Federal detainees, in accordance with regulations to be issued by the Attorney General, and which are comparable to the regulations issued under section 406 of Title 18, United States Code;

\$44,768,000.

Legal Activities

Support of United States Prisoners

Justification of Proposed Changes in Authorization Language

The United States Marshals Service is requesting the following new language to be added to its authorities in 1984.

(A) Intergovernmental service;

Authority to enter into Intergovernmental Service Agreements (IGA's) was granted to the Attorney General by the Director, Office of Management and Budget on October 4, 1982 under authority of PL 95-224 (Section 45USC Section 85). This authority enables the Marshals Service, Bureau of Prisons, Immigration and Naturalization Service as well as the Department of Defense to enter into IGA's with State and local units of government for the purpose of acquiring detention services for Federal prisoners. The purpose of including the term "Intergovernmental service agreement" in the authorization language is to establish specific authority to expend funds for services acquired by means other than formal contracts.

(B) construction;

The word construction was added to the authorization language to provide specific authority for the expenditure of appropriation funds under the Cooperative Agreement Program. The authority was previously provided in the FY 1983 continuing resolution and in the special Task Force appropriation.

(C) or donation;

The Marshal Service's federal excess property program has provided consumable supplies, medical, food service and other equipment to local facilities to help improve jail conditions and to acquire space for Federal prisoners. In order to take accountable property items (i.e., medical treatment table or dental jail) off the Federal inventory, it is necessary to have direct donation authority in the authorization language.

Legal ActivitiesSupport of United States PrisonersJustification of Proposed Changes in Appropriation Language

The 1984 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Support of United States Prisoners

For Support of United States prisoners in non-Federal institutions, [334,254,000] Provided, that not to exceed \$4,050,000 for the purpose of renovating, constructing, and equipping State and local facilities that confine Federal prisoners [under the Cooperative Agreement Program]: Provided, that amounts made available for constructing any local jail facility shall not exceed the cost of constructing space for the average Federal prisoner population for that facility as projected by the Attorney General: Provided further, That following agreement on or completion of any Federally assisted jail construction, the availability of such space shall be assured that the per diem rate charged for housing Federal prisoners at that facility shall not exceed direct operating costs for the period of time specified in the cooperative agreement.

\$44,769,000
\$10,000,000 advanced from Organized Crime Drug Enforcement shall be available under the Cooperative Agreement Program

Explanation of changes

This modification changes the amount and the source of funds for the Cooperative Agreement Program.

Legal Activities

Support of United States Prisoners

Summary of Requirements
(Dollars in thousands)

	Perma. Pos.	Work- years	Amount
<u>Adjustments to base:</u>			
1983 as enacted.....	...	...	\$34,254
Uncontrollable increases:			
Increase for jail day rates: This request is based on the experience of past years. In 1982 there were 733 new or renewed jail contracts. During 1982 approximately ninety-nine percent of the contracts renewed were for a higher jail day rate. Contracts in 1983 are following the same pattern. This trend was used in computing the 1984 day rate increases.....	...	...	6,358
Increased medical costs including hospital guards: This request is based on escalating medical costs which have risen dramatically in recent years.....	...	...	406
Total, uncontrollable increases.....	...	...	6,764
Decreases:			
Nonrecurring cost of Cooperative Agreement Program. This funding was used to meet the demands of detention space as a result of the increased unsentenced prisoner population in Southern Florida.....	...	...	-1,250
1984 Base.....	...	...	39,768
1983 Appropriation			
Anticipated			
1982 as Enacted	Perma. Pos.	1984 Base	1984 Estimate
Perma.		Perma.	Perma.
Pos.		Pos.	Pos.
Amt.	WT	WT	WT
Amt.		Amt.	Amt.
Estimates by budget activity			
Care of U.S. prisoners in non-Federal institutions..	...	\$29,566	...
Cooperative Agreement Program.....	...	1,250	...
Total.....	...	34,254	...
	...	39,768	...
	...	44,768	...
	...	...	5,000

Legal Activities

Support of United States Prisoners

Justification of Program and Performance

Activity Resource Summary
(Dollars in thousands)

Activity:	1983 Appropriation		1984 Base		1984 Estimate		Increase/Decrease	
	Perm.	WY Amount	Perm.	WY Amount	Perm.	WY Amount	Pos.	WY Amount
Care of U.S. prisoners in non-Federal prisoners.....	...	\$33,004	...	\$39,768	...	\$44,768	...	\$5,000

Long-Range Goal: To provide for the care, housing, and safekeeping of Federal prisoners in the custody of the U.S. Marshals Service at a level of subsistence which meets nationally accepted standards for detention or holding facilities.

Major Objectives:

To improve the health care services provided Federal prisoners held in non-Federal facilities.

To ensure qualified custodial guard services necessary to provide adequate Federal inmate custody and supervision are provided.

To provide funding under the reimbursable Cooperative Agreement Program which will encourage local governments to house Federal prisoners and to provide conditions of confinement and levels of inmate services which will be in compliance with acceptable standards.

To fund private sector agreements for the housing of minimum security alien material witnesses and their dependents.

To motivate local governments to improve the physical conditions of confinement and level of services provided inmates so that they meet minimum detention standards in Federally used detention facilities.

To provide or donate Federal excess property to substandard facilities which house Federal prisoners so as to improve conditions of confinement at little or no cost to the Federal Government.

Base Program Description: Beginning in 1978, the Marshals Service assumed exclusive responsibility for the custody, care and medical needs of detained witnesses held in Marshal Service custody who are awaiting transfer to Federal correctional institutions. This realignment in program responsibilities was designed in accordance with P.L. 95-86 to bring about greater accountability in the expenditure of funds for prisoner support. Charges to the Support of United States Prisoners appropriation are presently restricted to payments to State and local authorities for contract detention facilities used to house Marshals Service prisoners medical and health care services, and housing of alien material witnesses and juveniles through negotiations with private organizations. Prisoners in the custody of the Marshals Service include unsentenced prisoners, sentenced prisoners awaiting initial transfer to correctional institutions and sentenced prisoners returned from correctional institutions for appearances at court proceedings.

Local jails are selected for Federal contracts in specific geographical locations throughout the country to facilitate the arrest operations of Federal law enforcement agencies and to provide detention space located conveniently to the Federal courts, offices of U.S. attorneys and defense counsels. There is a critical shortage of prisoner jail space in most Federal court cities. Local governments are often required by judicial mandate or State detention inspection services to reduce inmate population to the facility's designed capacity, which results in the cancellation or limitation of space available for Federal prisoners. As a result, an increasing number of Federal prisoners have been removed from centrally located contract jails and housed in jails located outside Federal court cities and in Federal facilities. The Federal facilities are generally located in outlying areas and their use generates a heavy demand on the Marshals Service in personnel, overtime and transportation costs. The USMS has lost or has been limited in its use of detention space in an estimated 190 jails over the past three years. A total of 115 contract facilities are currently under court order on issues covering the constitutionality of conditions of confinement afforded prisoners.

Accomplishments and Workload: The accomplishments of this program are presented in the following table:

Item	Estimates		
	1981	1982	1983
Contracts in force.....	700	733	740
Number of contract jail days used.....	1,018,289	959,550	1,010,000
Average jail day rate.....	\$21.70	\$27.12	\$31.68
Contract jails participating in the			
Excess Property program .....	...	55	89
Contract jails participating in the			
CAP program.....	...	9	6

At the end of FY 1982, the Marshals Service was able to provide \$1,480,532 in Cooperative Agreement funding to nine contract facilities and in return was able to obtain 636 guaranteed detention spaces for Federal prisoners.

The Service's excess property program has also been extremely successful in reversing the trend of cancelled contracts or reductions in space available for Federal prisoners. Through January, 1983, excess Federal consumable supplies and equipment valued at \$865,527 has been provided to local jails.

The implementation of use of Intergovernmental Service Agreements (IGA's) to replace formal procurement contracts with local governments in FY 1983 has further generated positive support from local governments which in the past have refused or were reluctant to enter into formal contractual relationships.

Program Changes. A program increase of \$5,000,000 for this appropriation is requested to fund the estimated 100,000 jail days not funded at the base level and to compensate for the 24% increase in rates charged by local governments for detention services. There is a projected increase of 22,120 days of paid confinement and 600 days of hospital services in addition to enhanced levels of mandatory prisoner health care services provided under jail contracts and outpatient care expected over the FY 1983 level.

Activity:	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease	
	Anticipated			Perm.			Perm.			Perm.	
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY

Cooperative Agreement	...	...	\$1,250	...	...	...	...	...	...	...	...
Program.....	...	...	...	...	...	...	...	...	...	...	...

Resources for FY 1984 are requested and justified under the Organized Crime Drug Enforcement Appropriation.

Legal Activities
Support of United States Prisoners
Summary of Requirements by Object Class
(Dollars in thousands)

Object Class	1983 Estimate Workyears	1983 Estimate Amount	1984 Estimate Workyears	1984 Estimate Amount	Increase/Decrease Workyears	Increase/Decrease Amount
11.6 Special personal services payments...	...	\$1,329	...	\$1,735	...	\$406
Total, workyears and personal compensation.....	...	1,329	...	1,735	...	406
25 Other services.....	...	32,880	...	42,988	...	10,108
26 Supplies and materials.....	...	17	...	17	...	...
41 Grants, subsidies, and contributions.	...	28	...	28	...	...
Total obligations.....	...	34,254	...	44,768	...	10,514
Relation of obligations to outlays:						
Obligated balance, start-of-year.....	...	4,907	...	6,672		
Obligated balance, end-of-year.....	...	-6,672	...	-6,936		
Outlays.....	...	32,489	...	44,504		

Mr. DWYER. Since the hour is late, we shall insert a number of questions in the record and ask you to supply the answers.
[The questions referred to and the answers follow:]

QUESTIONS SUBMITTED BY MR. DWYER

SUPPORT OF U.S. PRISONERS

Increase for Care of U.S. Prisoners in Non-Federal Institutions

QUESTION:

The Fiscal Year 1984 budget request includes an increase of \$5,000,000 for care of U.S. Prisoners in non-federal institutions. The justifications indicate that this amount is necessary for an increase in the number of jail days funded for incarceration of unsentenced prisoners in state and local detention facilities due to the initiatives against organized crime drug trafficking and violent crime. How many additional prisoners do you anticipate will need to be housed as a result of these initiatives and how did you calculate the increased cost?

ANSWER:

The Support of U.S. Prisoners (SUSP) 1984 budget request is \$44,768,000. The request represents an increase of \$10,514,000 over the anticipated 1983 appropriation. The major program change is described below.

An increase of \$5,000,000 for this appropriation is requested to fund the estimated 100,000 jail days not funded at the base level and to compensate for the 24 percent increase in rates charged by local governments for detention services not totally reflected in uncontrollable increases. There is a projected increase of 22,120 days of paid confinement in addition to enhanced levels of mandatory prisoner health care services provided under jail contracts and out patient care expected over the 1983 level.

The Service has planned for an overall growth rate of 2 percent over the 1983 level in its prisoner commitments and inmate days used. While the impact of the Organized Crime Drug Enforcement Program is anticipated to be significant, an offsetting factor on overall prisoner loads committed to U.S. Marshals Service custody will be the increasing impact of Pre-Trial Services on self recognition releases. It is extremely hard to predict prisoner loads by specific program initiative area and actual prisoner population statistics are maintained only on a nationwide basis.

QUESTION:

We have had a report that many local governments are upset because the funds that they receive for housing federal prisoners go directly into the local jurisdiction's general funds and cannot be used to operate or upgrade the jail facility. Is this a widespread problem and if so what solutions would you suggest?

ANSWER:

The actual scope of this problem is unknown as the Service deals with many localities each of which functions differently in the

area of fiscal management. While the Federal Government cannot dictate to state and local governments how jail contract payments will be handled, the Cooperative Agreement Program (CAP) offers the ideal solution to those few localities which are selected by the U.S. Marshals Service to become CAP program participants. CAP program funds will only be provided for specific projects for jails whose need has been formally substantiated by on-site jail inspections. This program guideline will ensure that any funding provided will have a direct beneficial impact to the jail and result in improved conditions of confinement. CAP funds are provided to either the local government or the facility only after the agreed upon work has been performed and bills are presented for certification.

Cooperative Agreement Program

QUESTION:

The Fiscal Year 1984 budget request includes a transfer of \$10,000,000 from the Organized Crime Drug Enforcement Program to this appropriation for the Cooperative Agreement Program. What specific state or local jail facilities would receive these funds and what types of projects would be involved?

ANSWER:

Based on a preliminary agency assessment the following localities have been nominated to become 1984 CAP program participants:

<u>LOCALITY</u>	<u>ASSESSMENT</u>
Sacramento, California	The Sacramento County Jail is currently under federal court order for substandard conditions (in particular overcrowding). Federal space is extremely restricted.
Jacksonville, Florida	The Duval County Jail is extremely overcrowded and under federal court order. The federal jail contract has been terminated. All alternative facilities are severely overcrowded and bed space must be expanded.
Reno, Nevada	Almost all jails in the state's metropolitan areas are closed to federal prisoners due to extreme overcrowding. Federal prisoners must be housed as far away as Colusa.
Raleigh, North Carolina	Jails in the federal court city area are overcrowded and federal prisoners must be transported in excess of an hour one way on a daily basis to court.

LOCALITYASSESSMENT

San Antonio, Texas

The Bexar County Jail is heavily overcrowded, under federal court order and all federal prisoners (with the exception of females) have been relocated to Bastrop FCI, a distance in excess of 100 miles away.

Alexandria, Virginia

All jails in Northern Virginia, D.C., and the state of Maryland are already heavily overcrowded. The Alexandria City Jail is under federal court order and the federal contract terminated. Federal prisoners are dispersed daily as bed availability permits.

It should be stressed that these are only proposed target areas and that specific nominations cannot be made until negotiations are concluded. As all target areas suffer from extreme overcrowding of jail facilities, the projects would involve physical plant expansion either through renovation or new construction.

QUESTION:

How many state and local jail facilities which house federal prisoners are in need of some assistance under the Cooperative Agreement Program in order to bring them up to federal standards for the housing of federal prisoners and what is the total estimated cost of such projects? You may expand on your answer for the record listing the specific state or local facilities and the projects and the cost of each.

ANSWER:

It is estimated that fewer than 1 percent of the 740 jails the Service currently contracts with can comply fully with nationally accepted jail standards. The Cooperative Agreement Program's major thrust is to identify major use jails in federal court cities where severe housing shortages for federal prisoners exist. Therefore, cost data for any needed improvements on the other medium and minor use jails has not been developed.

QUESTION:

One of the restrictions on the use of the funds under the Cooperative Agreement Program is that local jails, which receive these funds cannot charge the government more than direct operating costs on a per prisoner basis. How many jails are currently charging the government in excess of the per prisoner day direct operating cost?

ANSWER:

A primary operating principle for the U.S. Marshals Service's entire jail contracting effort (whether the facility is a CAP participant or not) is that all jail day rates agreed upon are based on a facility's actual operating costs. U.S. Marshals Service negotiation procedures require that the facility submit a cost certification statement that the operating costs identified are

valid. In some instances, however, local governments have passed local ordinances which mandate by law the jail day rates to be paid by the Federal Government.

QUESTION:

What will happen if a state or local government participating in this program refuses to provide the Marshals Service with enough information to determine the direct operating cost on a per prisoner day basis?

ANSWER:

The Service attempts to relocate its prisoners to another facility which is willing to comply with the cost data submission requirements. A recent example of this is the Genessee County Jail's (Eastern Michigan) demand for a rate increase from \$27 to \$92 a day. The U.S. Marshals Service could substantiate a rate of no more than \$50 and an alternate facility was identified and federal prisoners relocated. Facilities which refuse to comply with cost data requirements would not be allowed to participate in the CAP program.

QUESTIONS SUBMITTED BY MR. FAZIO

SUPPORT OF U.S. PRISONERS

QUESTION:

The Federal Prisoner Support Program was developed to reimburse local jurisdictions which house federal prisoners who are awaiting trial in a federal district court. More recently, the Justice Department has wisely been involved in a cooperative program with local jurisdictions where a need exists for the construction of new jails. Under this program, the Federal Government can assist in the construction of new jails in exchange for guaranteed spaces for federal prisoners. This is certainly cost efficient for the Federal Government in the long run, and greatly assists local upgrading of incarceration facilities.

This program suffers from a modest budget for what appears to be a huge capital demand. Since this agency is responsible for allocating limited funds among many needy jurisdictions, I would request that the Department provide a description of the criteria which are used to determine the priority facilities for cooperative agreements for construction or renovation?

Also, I would request that the Department provide this Subcommittee with an assessment of the local requirements over the next 5-10 years. This assessment will provide the subcommittee a better idea of the growth which may be anticipated or should be considered by the Congress in a program which addresses a serious shortcoming in our national criminal justice system, the quality of our local jails.

ANSWER:

The U.S. Marshals Service Program criteria for the Cooperative Agreement Program is provided below. It should be noted, however, that of the estimated 4,000 local detention facilities located throughout the United States, the Service contracts with only 740 (19 percent) which house federal prisoners and only 180 of these (4 percent of all jails nationwide) are major use facilities. In addition, the Cooperative Agreement Program is not a grant program, but has been designed to help the Federal Government obtain adequate and sufficient jail space for federal prisoners in those federal court cities where there is a demonstrated need for detention space for federal prisoners.

It is estimated that fewer than 1 percent of the 740 jails with which the Service currently contracts can comply fully with nationally accepted jail standards. The Cooperative Agreement Program's major thrust is to identify major use jails in federal court cities where severe housing shortages for federal prisoners exist. Therefore, cost data for any needed improvements on the other medium and minor use jails have not been developed.

UNITED STATES MARSHALS SERVICE
COOPERATIVE AGREEMENT PROGRAM (CAP) CRITERIA

1. Facility is located in or near a federal court city.
2. Facility has sustained conditions of confinement which have been substantiated by a recent U.S. Marshals Service on-site jail inspection.
3. Facility is or could be a major-use jail (i.e., one in which the Services uses 1,000 or more jail days a year).
- 4. Facility is under federal or state court order for substandard conditions of confinement or there is serious potential for such through suggested or pending litigation.
5. Facility is willing to guarantee bed space for federal prisoners for a specific period time (i.e., 15 years in the case of construction projects).
6. Facility is working to improve its substandard conditions of confinement and is willing to work towards full compliance with local, state, and national detention standards (for example, use of alternative detention facilities for low risk and non-violent type offenders).
7. The projects proposed and eventually funded will significantly improve or completely resolve the specified substandard conditions of confinement.
8. The facility is willing to comply with all CAP program guidelines and inspection requirements (i.e., periodic on-site inspections, submission of progress reports, compliance with penalties for only partial performance or non-performance of work, etc.).

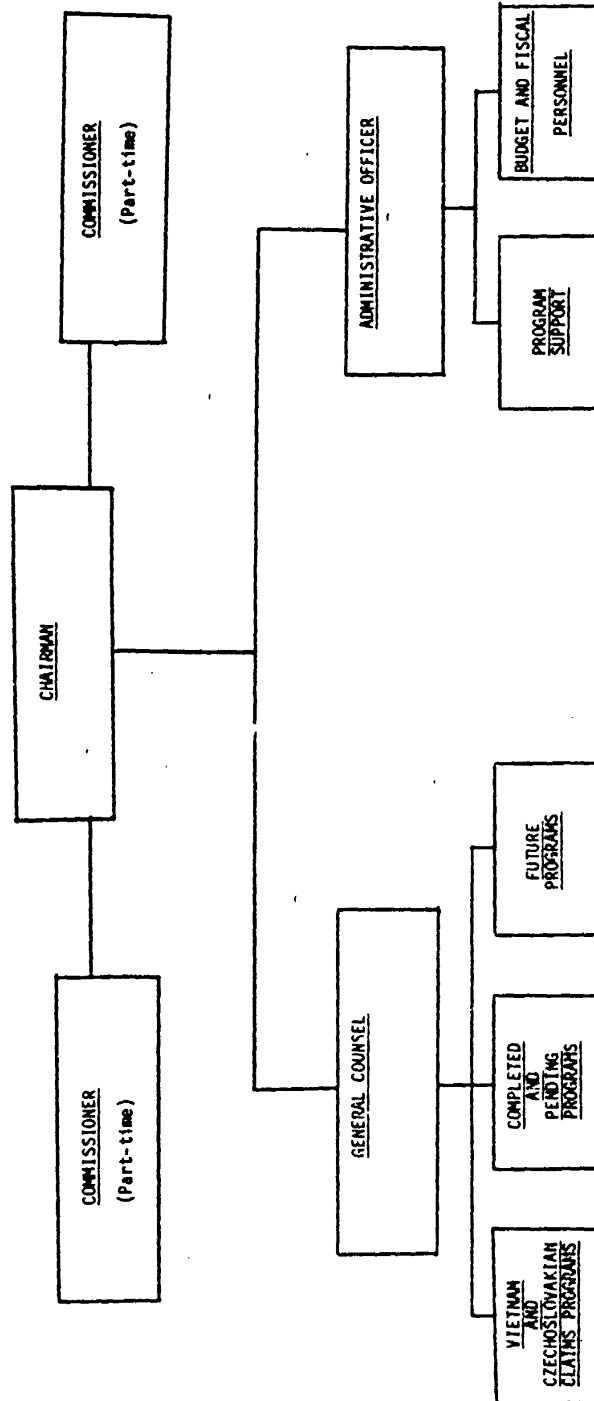
FOREIGN CLAIMS SETTLEMENT COMMISSION

[CLERK'S NOTE.—The fiscal year 1984 budget request for the Foreign Claims Settlement Commission is \$954,000. This amount is an increase of \$180,000 above the amount enacted to date for fiscal year 1983. The justification materials submitted in support of the request follow:]

Department of Justice
Foreign Claims Settlement Commission
Estimates for Fiscal Year 1984
Table of Contents

<u>Item</u>	<u>Page Number</u>
Organization Chart	1
Summary Statement	2
Proposed Authorization Language	3
Justification of Proposed Changes in Appropriation Language	4
Crosswalk of 1983 Changes	5
Summary of Requirements	6
Justification of Program and Performance	7
Detail of Permanent Positions by Category	9
Justification of Adjustments to Base	10
Summary of Requirements by Grade and Object Class	13

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE
UNITED STATES



J. Raymond Bell
J. Raymond Bell, Chairman

Foreign Claims Settlement Commission

Salaries and expenses

Summary Statement

Fiscal Year 1984

The Foreign Claims Settlement Commission is requesting a total of \$954,000, 18 permanent positions and 19 workyears for 1984. This request represents an increase of \$152,000 from the 1983 appropriation of \$802,000.

The principal mission of the Commission is to settle the claims of American citizens arising out of the nationalization, expropriation or other takings of their properties and interests by certain foreign governments. The Commission has compiled and evaluated such claims against 12 countries under the International Claims Settlement Act of 1949 involving Yugoslavia, Panama, Poland, Bulgaria, Hungary, Rumania, Italy, the Soviet Union, Czechoslovakia, Cuba, China, and the German Democratic Republic. The Commission and its predecessor agency, the War Claims Commission, have also undertaken and completed numerous programs arising out of World War II under the War Claims Act of 1948.

During the current year, the Commission will continue a program under Title VII of the International Claims Settlement Act of 1949, as amended, (Public Law 96-606, approved December 28, 1980) which requires the Commission to receive and determine the validity and amounts of claims of nationals of the United States for loss of property in Vietnam as a result of nationalization, expropriation or other taking by the Socialist Republic of Vietnam. The Commission will assist claimants in processing their claims and continue the adjudication of claims received in this program.

Additionally, the Commission will proceed with a program under Public Law 97-127, approved December 29, 1981, to receive and determine the validity and amounts of claims by nationals of the United States against the Government of the Czechoslovak Socialist Republic for losses resulting from the nationalization or other taking of property which occurred after August 8, 1958.

The Commission will provide continuing service to former and prospective claimants on a total of 32 completed international and war claims related programs. The staff will also be providing advice on policy determinations, pre-program planning, evaluation of pending claims legislation and liaison with congressional committees considering legislation intended to provide compensation to new categories of claimants.

The Commission will serve in an advisory capacity to other Government agencies on matters of policy regarding claims of United States citizens against foreign governments and provide advice to potential claimants and their attorneys following completed claims agreements, the enactment of legislation authorizing programs and the availability of funds to commence new programs. During 1984, the Commission will assist the Department of State in its efforts to negotiate claims settlement agreements with foreign governments. Under the provisions of Section 620(e) of the Foreign Assistance Act of 1961, the Foreign Claims Settlement Commission is authorized to evaluate expropriated property upon the instructions of the President.

Under the War Claims Act of 1948, as amended, the Commission authorizes payments to American military prisoners of war captured by hostile forces in Southeast Asia during the Vietnam conflict. The Commission to date has granted awards to 732 prisoners of war or their survivors in the amount of \$5,319,540; \$229,317 to 41 civilian internees; and \$68,675 to members of the crew of the USS Pueblo for a total of \$5,617,552.

Foreign Claims Settlement CommissionSalaries and expensesProposed Authorization Language

The Foreign Claims Settlement Commission is requesting the following authorization language:

For the Foreign Claims Settlement Commission \$954,000, including-

- (A) services as authorized by Section 3109 of Title 5, United States Code;
- (B) expenses of packing, shipping and storing personal effects of personnel assigned abroad;
- (C) rental or lease, for such periods as may be necessary, of office space and living quarters for personnel assigned abroad;
- (D) maintenance, improvement, and repair of properties rented or leased abroad, and furnishing fuel, water, and utilities for such properties;
- (E) advance of funds abroad;
- (F) advances or reimbursements to other Government agencies for use of their facilities and services in carrying out the functions of the Commission;
- (G) hire of motor vehicles for field use only;
- (H) employment of aliens.

Foreign Claims Settlement Commission

Salaries and expenses

Justification of Proposed Changes in Appropriation Language

The 1984 budget estimates include proposed changes in appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and expenses

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109; allowances and benefits similar to those allowed under the Foreign Service Act of 1980, as determined by the Commission; expenses of packing, shipping, and storing personal effects of personnel assigned abroad; rental or lease, for such periods as may be necessary, of office space and living quarters for personnel assigned abroad; maintenance improvement, and repair of properties rented or leased abroad, and furnishing fuel, water, and utilities for such properties; insurance on official motor vehicles abroad; advances of funds abroad; advances or reimbursements to other Government agencies for use of their facilities and services in carrying out the functions of the Commission; hire of motor vehicles for field use only; and employment of aliens; \$994,000.

Explanation of changes

No substantive changes proposed.

Foreign Claims Settlement CommissionSalaries and expensesCrosswalk of 1983 Changes
(Dollars in thousands)

Activity/Program	1983 President's Budget Request		Congressional Appropriation Actions on 1983 Request		Reprogrammings		1983 Supplementals Requested (Pay raises)		1983 Appropriation Anticipated		
	Pos.	NY Amt.	Pos.	NY Amt.	Pos.	NY Amt.	Pay		Pos.	NY Amt.	
1. Adjudication of International Claims.....	18	19	820	...	...	...	\$28		18	19	\$802
Total.....	18	19	820	...	...	...	28		18	19	802

Explanation of Analysis of Changes from 1983 Appropriation RequestCongressional Appropriation Actions

The Congress reduced the amount available to rent space from the General Services Administration and provided that agencies cannot pay GSA a higher rate per square foot for such space in 1983 than they paid in 1982.

Supplemental Requested

The supplemental request for \$28,000 provides for increased pay requirements contained in Executive Order 12387, October 1982, lifting of the pay cap and payment of the medicare tax.

Foreign Claims Settlement CommissionSalaries and expensesSummary of Requirements
(Dollars in thousands)

	Perm. Pos.	Tot. FTE	Amount
<u>Adjustments to base</u>			
1983 as enacted	18	19	\$774
1983 Pay supplemental requested			28
1983 appropriation anticipated	18	19	802
Uncontrollable increases			155
Decreases			-3
1984 base	18	19	954

	1982 Enacted		1982 Actual		1983 Appropriation Anticipated		1984 Base		1984 Estimate		Increase/Decrease	
	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.
<u>Estimates by budget activity/program</u>												
Adjudication of International claims....	18	19	\$734	18	15	\$657	18	19	\$802	18	19	\$954

Foreign Claims Settlement Commission

Justification of Program and Performance

Activity Resource Summary
(Dollars in thousands)

	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease	
	Anticipated										
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY Amount
Activity: Adjudication of International Claims	18	19	\$802	18	19	\$954	18	19	\$954	...	...

Long-Range Goal: To make effective determinations of all unsettled claims of American nationals against foreign governments within the framework of Congressional modifications to the International Claims Settlement Act of 1949.

Major Objectives:

To identify and categorize issues and unique problems peculiar to the Vietnam and Czechoslovakian Claims Programs.

To review evidence on claims and to seek additional information from sources to be determined.

To prepare and issue decisions on 50% of the outstanding claims in the Vietnam Program and 95% of all Czechoslovakian claims.

To conduct pre-program planning of pending new programs.

To provide technical assistance upon request to the Department of State during the course of negotiations on claims settlement agreements.

To respond to requests for policy determinations on matters relating to the settlement of international claims.

Base Program Description: The adjudication of International Claims activity of the Commission consists of a small staff at the Commission headquarters. Additionally, this activity provides administrative support for the Commission and legal advice to the adjudicatory functions and the Commissioners.

Public Law 96-606, approved December 28, 1980, authorized the determination of claims of American nationals for losses resulting from the nationalization of American-owned property in Vietnam by the Socialist Republic of Vietnam. In carrying out its function, a staff of attorneys reviews the evidence submitted and seeks additional information from a wide variety of sources and researches legal issues under international law. The Commission issues an initial or proposed decision determining the validity and amount of the claim. The claimant is afforded an opportunity under the Commission regulations to object, submit further evidence, or have an oral hearing before the Commission which then issues a final decision.

Public Law 97-127, approved December 29, 1981, authorized the determination of claims of nationals of the United States against the Government of the Czechoslovak Socialist Republic for losses resulting from the nationalization or other taking of property which occurred after August 8, 1958. The Commission will continue to determine the validity and amounts of claims received in this program.

Funding for the activity covers the cost of salaries for the three Presidentially appointed Commission members, the staff of the General Counsel's office and an administrative support staff. This staff provides continuing service, maintenance and responses to former and prospective claimants on 32 completed programs involving 750,000 claimants. Also, the staff will provide policy determinations, pre-program planning, evaluation of pending claims legislation and liaison with congressional committees considering legislation intended to provide compensation to new categories of claimants.

Additionally, the Commission serves in an advisory capacity to other Government agencies on matters of policy on international claims and provides advisory service to potential claimants.

Accomplishments and Workload: Accomplishments of the Adjudication of International Claims Program appear in the following table:

Item	Actual		Estimates	
	1981	1982	1983	1984
Decisions - Vietnam International Claims Program.....	...	4	20	200
Decisions - Czechoslovakian International Claims Program..	...	70	580	1,000
Decisions - German Democratic Republic Claims Program:				
Awards.....	785	...	...	...
Denials.....	182	...	...	...
Decisions - China Claims Program.....	83	...	...	...
Decisions - Vietnam Prisoner of War Program.....	1	1	2	...
Inquiries on Closed Programs (Review of Claims).....	700	1,000	1,200	1,000
General Inquiries.....	10,400	12,000	11,000	10,000
Legislative Reports and Legal Memoranda.....	50	100	75	100
Special Reports.....	15	15	15	15

Foreign Claims Settlement Commission
Salaries and expenses
Detail of Permanent Positions by Category
Fiscal Years 1982 - 1984

Category	1982 Authorized	1983 Authorized	1984
			Total
Attorneys.....	6	6	6
General Administrative			
Clerical and Office Services.....	10	10	10
Other.....	2	2	2
Total.....	18	18	18
Washington.....	18	18	18
Total.....	18	18	18

Foreign Claims Settlement CommissionSalaries and expensesJustification of Adjustments to Base
(Dollars in thousands)Uncontrollable increases:Amount
\$4

1. Annualization of 1983 pay increases.....

This provides for the annualization of the October 3, 1982 pay increase contained in Executive Order 12387. Of the pay raise requirement of \$32,000, \$4,000 was absorbed in 1983.

4

2. Annualization of Executive level pay increases.....

This provides for the annualization of the January 1, 1983 Executive level pay increase contained in P.L. 97-377. There are 261 compensable days in 1983 and 66 paid days (October 1 through December 31, 1982) were not included in the pay raise. Of the pay raise amount \$32,000, \$4,000 was absorbed. The calculation of the amount required for annualization is:

66/261 x Amount of pay raise	\$8,000
1983 Absorption of pay	<u>4,000</u>
Total annualization	4,000

2

3. Annualization of medicare costs.....

This provides for full funding for the 1.3 percent Federal share of the Medicare Hospital Insurance Tax Equity and Fiscal Responsibility Act of 1982. The request of \$2,000 covers the period from October 1 to December 11 which was not funded in 1983.

5

4. Health benefits costs.....

The Federal Employees Health Benefits Act (P.L. 93-246) provides that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. Effective January 1, 1982, the health insurance carriers raised their rates approximately 13 percent. The requested increase of \$5,000 provides for payment of the average rate percent over the \$44,000 now available.

<u>Amount</u>		
\$126	5. Standard level user charges (SLUC).....	
	Section 108 of P.L. 97-377, Continuing Resolution for 1983, prohibits agencies from paying the General Services Administration (GSA) a higher rate per square foot for the rental of space and services in 1983 than they paid in 1982. In keeping with the Administration's policy that charges for space shall be consistent with market rates, the request includes \$46,000 to restore cuts made in 1983 and \$80,000 for 1984 price level adjustments and the annualization of the 1983 space inventory.	
	6. Postal service redistribution.....	5
	The Postal Service has advised the Department that the postage rate is not expected to increase before or during 1984. Although no increase is expected for 1984, some redistribution based on the 1982 mail survey taken by the Department has been made between the offices, boards, and divisions to correctly charge the using organizations. This redistribution will increase the 1983 charge by \$4,000.	
	7. GPO printing costs.....	1
	The Government Printing Office (GPO) is currently projecting a five percent increase over the 1983 printing costs of \$6,000. An additional \$1,000 will be required in 1984.	
	8. General pricing level adjustment.....	8
	This request applies the OMB pricing guidance as of December 1982 to selected expense categories. The increased costs identified result from applying a factor of 5.3 percent against those sub-object classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, transportation costs and utilities. Excluded from the computation are categories of expense where inflation has already been built into the 1984 estimates.	
	Total, uncontrollable increases.....	155

Amount

-52

Decreases (Automatic non-policy):

1. Nonrecurring costs for change in hourly rate.....

This provides for an overall pay adjustment that results from a change in the basis for computing pay for General Schedule employees. Currently, General Schedule pay is computed on the basis of 260 workdays or 2,080 hours, although 261 or 262 workdays may occur in a calendar year. For 1984 and 1985, section 310(b)(1) of the Omnibus Reconciliation Act of 1982 requires that pay be computed on the basis of 2,087 workdays. Budget estimates for 1984 reflect this new basis and were calculated as follows:

$$\frac{552 \times 2,080 \text{ hours}}{2,087} = 550$$

$$550 - 552 = -2$$

2. One less compensable day.....
- Total decreases.....
- Total, adjustments to base.....

-1
-3
152

Foreign Claims Settlement Commission

Salaries and expenses

Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and salary ranges	1983 Estimate		1984 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
Executive Level V, \$63,800.....	2		2		...	
ES-4, \$63,800.....	1		1		...	
GS/GS-14, \$41,277-53,661.....	1		1		...	
GS/GS-13, \$34,930-45,406.....	3		3		...	
GS-12, \$29,374-38,185.....	2		2		...	
GS-11, \$24,508-31,861.....	1		1		...	
GS-9, \$20,256-26,331.....	2		2		...	
GS-6, \$14,901-19,374.....	1		1		...	
GS-5, \$13,369-17,383.....	1		1		...	
GS-4, \$11,949-15,531.....	2		2		...	
GS-3, \$10,645-13,840.....	2		2		...	
Total, appropriated positions.....	18	\$546	18	\$552	...	\$6
Pay above stated annual rates.....	...	1	...	...	...	-1
Lapses.....	...	...	...	...	...	...
Net permanent.....	18	547	18	552	...	5
Other than permanent:						
Part-time employment.....	1	16	1	16	...	...
Total, workyears and personnel compensation.....	19	563	19	568	...	5

Foreign Claims Settlement CommissionSalaries and expensesSummary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1983 Estimate		1984 Estimate		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount
11 Personnel compensation:						
11.1 Full-time permanent.....	18	\$547	18	\$552	...	\$5
11.3 Other than permanent.....	1	16	1	16	...	...
Total.....	19	563	19	568	...	5
Other objects:						
12 Personnel benefits.....						
21 Travel and transportation of persons.....	44		51			7
23.1 Standard level user charges.....	30		38			8
23.2 Communications, utilities, and other rent.....	103		229			126
24 Printing and reproduction.....	18		23			5
25 Other services.....	17		18			1
26 Supplies and materials.....	19		19			...
31 Equipment.....	5		5			...
Total Obligations.....	3		3			...
19	802		19	954	...	152
Relation of obligation to outlays:						
Obligated balance, start-of-year.....		94		75		
Obligated balance, end-of-year.....		-75		-71		
Outlays.....		821		958		

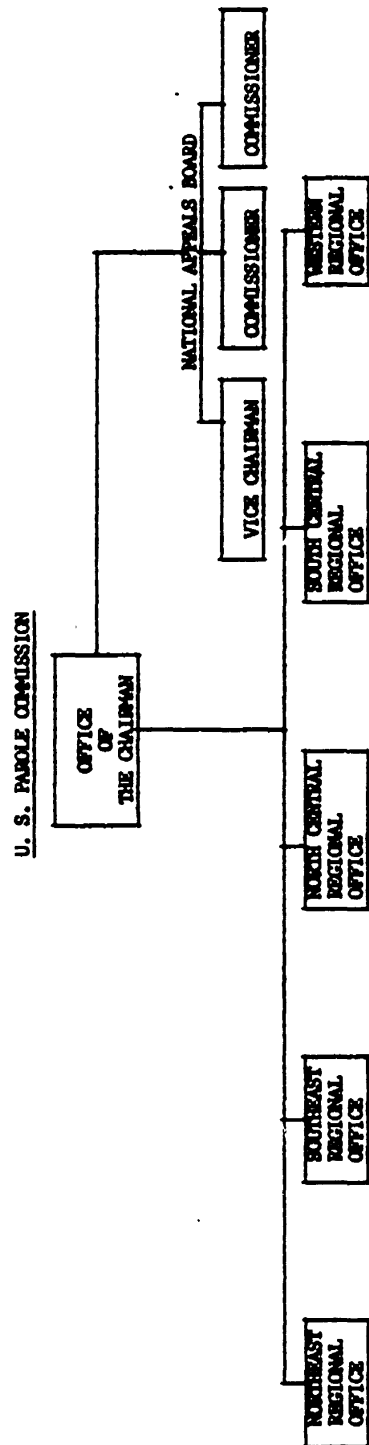
U.S. PAROLE COMMISSION

[CLERK'S NOTE.—The fiscal year 1984 budget request for the U.S. Parole Commission is \$7,836,000, an increase of \$1,173,000 above the appropriation enacted to date for fiscal year 1983. The justifications submitted in support of this request follow:]

(1465)

Department of Justice
U. S. Parole Commission
Estimates for Fiscal Year 1984
Table of Contents

<u>Item</u>	<u>Page</u> <u>Number</u>
Organization Chart.....	1
Summary Statement.....	2
Proposed Authorization Language.....	4
Proposed Appropriation Language.....	5
Crosswalk of 1983 Changes.....	6
Summary of Requirements.....	7
Justification of Program and Performance.....	8
Detail of Permanent Positions by Category.....	12
Summary of Adjustments to Base.....	13
Justification of Adjustments to Base.....	14
Financial Analysis - Program Changes.....	18
Summary of Requirements by Grade and Object Class.....	19



United States Parole Commission

Summary Statement

Fiscal Year 1984

The United States Board of Parole was created by Congress in 1930. In 1976, the Parole Commission and Reorganization Act (Public Law 94-233, effective 5/14/76) retitled the agency as the United States Parole Commission. Placed within the Department of Justice for administrative purposes, the Commission is an agency with independent decision-making powers set forth by statute. The Commission has parole jurisdiction over all eligible Federal prisoners, wherever confined, and continuing jurisdiction over those who are released on parole or as if on parole (mandatory release).

The Parole Commission and Reorganization Act provides for nine Commissioners, appointed by the President by and with the advice and consent of the Senate. One Commissioner is designated as Chairman. Each of the five Regional Offices of the Commission is under the supervision of a Commissioner, and three Commissioners comprise a National Appeals Board in Washington, D.C. At present the Parole Commission operates out of five regional offices and a headquarters office in Washington, D.C. Working out of the regional offices, hearing examiners interview prisoners who are eligible by law for parole and make recommendations to the Commissioners whether the prisoner should be paroled at this time. Panels existing of hearing examiners conduct hearings at all Federal prisons on a regular schedule, and at State and local facilities as required. Summaries of the hearings are recorded and then transcribed and sent to the regional office for the initial review and decision of a Commissioner.

On a cooperative basis, the Commission uses the services of staff employed by the Federal Prison System, who are assigned to the correctional institutions throughout the Nation. The staff prepares classification summaries, progress reports, and other reports concerning parole applicants.

Field supervision of released prisoners is provided by United States Probation Officers, who are employed by the U.S. Probation Service in the Administrative Office of the United States Court. According to statute, they function as "parole officers" for Federal prisoners. Reports concerning the adjustment of parolees and mandatory releasees are prepared by these officers and submitted to the Commission.

A two stage appeal system is in effect to permit review of parole decisions. Decisions on appeal at the regional level must be completed within 30 days and at the National Appeals Board level within 60 days.

National parole policy is reviewed by formal Commission deliberation quarterly. This continual study and review is designed to monitor and refine parole practices throughout the Federal system.

A small but active research program is ongoing.

Research projects include:

1. Development of methods for increasing hearing panel reliability in guideline assessments.
2. Refinement of the offense severity and salient factor score scales used by the Commission.
3. Further assessment of the effects of the expanded presumptive parole date procedures.
4. Participation in the development of the Joint Federal Prison System - U.S. Marshals - Parole Commission Sentry System for automated data processing of offender information.
5. Implementation of a system to enable hearing examiners to make more effective pre-hearing reviews of inmate files.

The General Counsel's Office advises the Commissioners and staff on interpretation of the agency's enabling statutes and policy, drafts implementing rules and regulations, and assists U.S. Attorney's office in defending the Commission against lawsuits brought by prisoners and parolees. The Office is also a resource for staff on problems involving the processing of requests for information under the Privacy Act of 1974 as amended in 1975. The Counsel's office responds directly to requests submitted under the Freedom of Information Act of 1966 as amended in 1974. Finally, the legal counsel staff has responsibility for analyzing applications for exemption from prohibitions imposed by federal law against persons who have been convicted of certain crimes from occupying labor union, management, or pension fund positions, and ensuring the conduct of appropriate hearings under the Administrative Procedures Act.

The Commission's legal staff participates with the State Department and other units of the Department of Justice on various phases of the development of treaties and implementing legislation for the exchange of prisoners with other countries.

The Commission's Operation Section provides quality control of case decisions, coordinates the limited training program, and develops procedures to implement Commission policy including a comprehensive manual. In addition to these functions, this section has assumed the responsibility for the Commission of coordinating the Witness Security Program.

For 1984 an increase of \$210,000 is proposed which will enable the Commission to increase the per page cost that the Commission offers contract typists to transcribe summaries of hearings and Notices of Action. Also included is funding for training directly related to the application of parole guidelines.

U. S. Parole Commission
Proposed Authorization Language

The U. S. Parole Commission is requesting the following authorization language:

For the United States Parole Commission, including the hire of passenger motor vehicles: \$7,836,000.

U. S. Parole CommissionSalaries and expensesJustification of Proposed Changes in Appropriation Language

The 1984 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and expenses

For necessary expenses of the United States Parole Commission, as authorized by law: [\$6,663,000] ^ \$7,836,000

Explanation of changes

No substantive changes proposed.

U. S. Parole Commission
Crosswalk of 1983 Changes
(Dollars in thousands)

Activity/Program	1983 President's Budget Request		Congressional Appropriation Actions on 1983 Request		1983 Supplemental Requested Pay Rate		1983 Appropriation Anticipated	
	Pos.	WY Amt.	Pos.	WY Amt.	Pos.	WY Amt.	Pos.	WY Amt.
Parole.....	157	161 \$6,856	...	... -\$193	\$216		157	161 \$6,879

Congressional Appropriation Actions.

The Congress reduced the amount available to rent space from the General Services Administration by \$193,000 and provided that agencies cannot pay GSA a higher rate per square foot for such space in 1983 than they paid in 1982.

Supplementals Requested.

The supplemental request provides \$216,000 to meet the pay requirements associated with the general schedule and executive level pay increases (Executive Order 12387, October 3, 1982 as modified by P.L.# 97-377 Continuing Appropriations, 1983).

U. S. Parole Commission

Salaries and expenses

Summary of Requirements
(Dollars in thousands)

<u>Adjustments to base:</u>	<u>Perm.</u>	<u>Work-</u>	<u>Amount</u>
	<u>Pos.</u>	<u>Years</u>	
1983 as enacted.....	157	161	\$6,663
1983 Pay Supplemental requested:			<u>Amount</u>
Increased pay costs.....			\$209
Medicare costs.....			38
Amount Absorbed.....			-31
Net pay supplemental.....			
1983 appropriation anticipated.....	157	161	216
Uncontrollable increases.....	...	...	6,879
Decreases.....	...	...	765
1984 base.....	157	158	-18
			<u>7,626</u>

	<u>1982 Enacted</u>		<u>1982 Actual</u>		<u>1983 Appropriation Anticipated</u>		<u>1984 Base</u>		<u>1984 Estimate</u>		<u>Increase/Decrease</u>	
	<u>Perm.</u>	<u>Pos.</u>	<u>Perm.</u>	<u>Pos.</u>	<u>Perm.</u>	<u>Pos.</u>	<u>Perm.</u>	<u>Pos.</u>	<u>Perm.</u>	<u>Pos.</u>	<u>Perm.</u>	<u>Pos.</u>
Estimates by budget activity												
Parole.....	172	167	\$6,406	172	167	\$6,294	157	158	\$7,626	157	158	\$7,836
					161	\$6,879	157	158			...	\$210

U. S. Parole CommissionSalaries and ExpensesJustification of Program and PerformanceActivity Resource Summary
(Dollars in thousands)

Activity:	1983 Appropriation Anticipated		1984 Base		1984 Estimate		Increase/Decrease	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
Parole.....	157	161 \$6,879	157	158 \$7,626	157	158 \$7,836	...	...
							...	\$210

Long-range Goal: Making decisions relative to grants and the denials of parole, conditions of parole, supervision of parolees and mandatory releases, recommitment in event of violation of conditions of supervision, and termination of supervision as outlined in the Parole Commission and Reorganization Act of 1976.

Major objectives:

- Establishment of a national parole policy and the promotion of consistent exercise of discretion in the parole process.
- Development and application of specific guidelines and rules for parole decision-making so that the duration of terms of imprisonment throughout the Federal system will be equitable.
- Meet the statutory limitations to grant or deny parole within the time requirements of the law to all Federal prisoners who are eligible for Parole Commission consideration.
- Improve the rehabilitation process of the parolee by maintaining an effective parole supervision program through the U.S. Probation Offices.
- Modify or revoke the parole or mandatory release of any individual who violates the conditions of release.
- Administer the aspects of the Commission's responsibilities under labor and pension laws by making decisions relative to granting or denying applications pursuant to these laws.

Base Program Description:

At present, the Parole Commission operates out of five regional offices and a headquarters office in Washington, D.C. Hearing examiners working out of the regional offices interview prisoners eligible for parole and make recommendations to the Parole Commissioners. These hearings are conducted by examiner panels at all federal prisons on a regular schedule, and at state prisons and local communities, as required. Summaries of the hearings are recorded and then transcribed and sent to the regional office for the initial review and decision of a Commissioner.

A two-stage appeal system is in effect to permit review of parole decisions. Decisions on appeal at the regional level must be completed within 30 days and at the National Appeals Board level within 60 days.

Other professional level personnel in the area offices coordinate the work with the Federal Prison System institutions and the probation officers attached to each United States District Court.

An ongoing research program is conducted in areas related to parole and information and guidance is provided to state parole boards, criminal justice agencies and others interested in improving the criminal justice process.

A review of national parole policy by formal Commission deliberation takes place quarterly. This continual study and review is aimed at the stabilization and refinement of parole practices throughout the federal system.

Accomplishments and Workload:

1. Developed methods for increasing hearing panel reliability in guideline assessments.
2. Refined the offense severity and salient factor score scales used by the Commission
3. Further assessed the effects of the expanded presumptive parole date procedures.
4. Participated in the development of the Federal Prison System - U.S. Marshals - Parole Commission Sentry System for automated data processing of offender information.
5. Implemented of a system to enable hearing examiners to make more effective pre-hearing reviews of inmate files.
6. Conducted 27,710 hearings.
7. Supervised 16,431 parolees and/or mandatory releasees.
8. Processed 6,400 appeals with 2,500 at the National level and 3,900 at the regional level.

The workload of the Parole Commission is presented in the following table.

Item	1981	1982	Estimates	
			1983	1984
Hearings:				
Initial.....	8,570	9,050	9,550	10,500
Record Review.....	8,760	13,410	14,000	15,000
Rescission.....	1,160	920	1,100	1,250
Local Revocation.....	370	350	400	400
Institutional Revocation.....	2,040	1,950	2,000	2,000
Other.....	360	310	450	500
Statutory Review.....	1,580	1,720	1,500	1,700
Total.....	27,840	27,710	29,000	31,350
Appeal Decisions.....	6,570	6,400	7,500	7,500
Number Under Supervision, June 30, 1982 (Parolees and Mandatory Releasees).....	18,500	16,431	16,750	17,500
Warrants Issued.....	3,500	3,500	3,500	3,600
FPS Average Daily Population.....	24,932	27,730	29,000	30,000

Explanation: The number of cases for 1984 are estimated higher as a result of the prison population increase.

Program Charges: This request includes an increase to the per page cost that the Commission offers contract typists to transcribe summaries of hearings and Notices of Action. It has become difficult to maintain the quality of typing service needed with the efficiency that is required to meet our deadlines with rates that were established January 1978. This increase is within the normal cost increase for typing services that has been experienced by other organizations in recent years.

In addition, this request will enable the Commission to fund training directly related to the application of parole guidelines and error rate reduction associated with applying those guidelines as pointed out in the recent GAO audit. This increase is in keeping with the Chairman's commitment to streamline and make more consistent from region to region the operation of the parole system. The lack of training during the past years has adversely affected accurate guideline computations and therefore increased the potential for inappropriate release decisions. For example, research conducted by the Commission has identified areas of disagreement as to the calculation of the guideline range due to examiner error and as a result of the lack of guideline clarity. This indicates the need for a regular and intensive training program for employees in order to improve the accuracy of guideline calculation. The training funds requested would provide orientation to new employees, in-service training to on-board employees, annual conferences for employees and management seminars and enable the Commission to participate more fully in Sentencing Institutes with Federal judges. The cost of this training program to the Federal Government will be offset by the cost of maintaining prisoners denied appropriate parole and the indeterminable, but direct, cost to the Commission resulting from administrative appeals and litigation prior to discovery and correction of errors. In addition, the cost to the public of unwise early-release-decisions, while not measurable, is also significant. The cost of this training program in the long run would more than adequately pay for itself and enable the Commission to fulfill the intent of the law by accomplishing its major objectives.

U.S. Parole Commission
Salaries and Expenses
Detail of Permanent Positions by Category
Fiscal Year 1982-1984

Category	1982 Authorized	1983 Authorized	1984 Total
Attorneys.....	8	7	7
Paralegal Specialists.....	3	3	3
Social Scientists, Economists and Kindred.....	73	70	70
General Administration Clerical and Office Services.....	87	75	75
Accounting and Budget.....	<u>1</u>	<u>2</u>	<u>2</u>
Total.....	172	157	157
Washington.....	40	40	40
U.S. Field.....	<u>132</u>	<u>117</u>	<u>117</u>
Total.....	172	157	157

U. S. Parole Commission

Salaries and expenses

Summary of Adjustments to Base
(Dollars in thousands)

	Perm. Pos.	Work- years	Amount
	157	161	\$6,663
1983 as enacted.....			
Pay supplemental requested:			Amount
Increased pay costs.....			\$209
Medicare costs.....			38
Amount Absorbed.....			-31
Net pay supplemental.....			
1983 appropriation anticipated.....	157	161	216
			6,879
Uncontrollable Increases:			
Annualization of 1983 pay increases.....	...	...	48
Within-grade increases.....	...	...	48
Health benefits costs.....	...	...	15
Annualization of Medicare costs.....	...	...	13
Standard Level User Charges (SLUC).....	...	...	548
GSA recurring reimbursable services.....	...	...	4
Postal service redistribution.....	...	...	10
Federal Telecommunications System (FTS).....	...	...	37
G&P telephone rate increase.....	...	...	1
Full-field investigations.....	...	...	1
GPO printing costs.....	...	...	5
Employee data and payroll services.....	...	...	2
General pricing level adjustment.....	...	...	33
Total uncontrollable increases.....	...	...	765
Decreases:			
Nonrecurring cost for change in hourly rate.....	...	...	-18
Adjustment to FTE ceiling.....	...	...	...
Total decreases.....	...	...	-18
1984 Base.....	157	158	7,626

U.S. Parole Commission	
Salaries and expenses	
Justification of Adjustments to Base	
(Dollars in thousands)	
<u>Uncontrollable increases:</u>	<u>Amount</u>
1. Annualization of 1983 pay increases.....	\$48
This provides for annualization of the October 3, 1982 pay increase contained in Executive Order 12387. Of the pay raise requirement of \$203,000, \$33,000 was absorbed in 1983.	
2. Within-grade increases.....	48
This request provides for an expected increase in the cost of within-grade salary increases. This increase is generally consistent with increases experienced within recent years and is approximately one percent above the base for compensation and related benefits for permanent employment. (Personnel compensation \$44,000 and benefits = \$48,000).	
3. Health benefits costs.....	15
The Federal Employees Health Benefits Act (P.L. 93-246) provides that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. Effective January 1, 1982 the health insurance carriers raised their rates approximately 13 percent. The requested increase of \$15,000 provides for payment of the average rate percent over the \$110,000 now available.	

Amount

\$13

4. Annualization of Medicare costs.....

This provides for full funding for the 1.3 percent Federal share of the Medicare Hospital Insurance tax to Federal employees as required by P.L. 97-248, the Tax Equity and Fiscal Responsibility Act of 1982. The request of \$13,000 covers the period from October 1 to December 11 which was not funded in 1983.

548

5. Standard Level User Charges (SLUC).....

Section 108 of P.L. 97-377 Continuing Resolution for 1983 prohibits agencies from paying the General Services Administration (GSA) a higher rate per square foot for the rental of space and services in 1983 than they paid in 1982. In keeping with the Administration's policy that charges for space shall be consistent with market rates, the request includes \$193,000 to restore cuts made in 1983 and \$355,000 related to 1984 price level adjustments and the annualization of the 1983 space inventory.

4

6. GSA recurring reimbursable services.....

The General Services Administration provides additional heating, air conditioning and guard service over normal requirements on a reimbursable basis.

10

7. Postal Service Redistribution.....

The Postal Service has advised the Department that the postage rate is not expected to increase before or during 1984. Although no increase is expected for 1984, some redistribution based on the 1982 mail survey taken by the Department has been made between the offices, boards and divisions to correctly charge the using organizations. This redistribution will increase the 1983 charge of \$166,000 by \$10,000.

	<u>Amount</u>
8. Federal Telecommunications System (FTS)	\$37
The FTS increase reflects the advance billing provided to the Department of Justice by the General Services Administration. In 1984, the uncontrollable increase will be \$37,000 over the 1983 base of \$59,000.	
9. C&P telephone rate increase.....	1
Effective April 21, 1982, the Chesapeake and Potomac Telephone Company was granted a rate increase of 19.6 percent for equipment and installation charges in the Washington metropolitan area. This results in an increase of \$1,000 in 1984.	
10. Full-field investigations.....	1
The Office of Personnel Management (OPM) has notified users of a \$10 increase in the standard rate charged for each full-field investigation over the FY 1982 base cost of \$1,300. The uncontrollable increase is calculated on average access of 7 persons per year for a total cost of \$1,050.	
11. GPO printing costs.....	5
The Government Printing Office (GPO) is currently projecting a five percent increase over the 1983 printing cost of \$53,000. An additional \$5,000 will be required in 1984.	
12. Employee data and payroll services.....	2
Centralized employee data and payroll services are provided to most departmental organizations. Charges for these services, which include information systems maintenance and payroll accounting, are based on the number of employees paid. The rate of \$110.00 per employee in 1983 has been raised to \$120.94 for 1984. The uncontrollable increase of \$2,000 is based on 161 authorized positions.	

Amount

\$ 33

13. General Pricing Level Adjustment.....

This request applies the OMB pricing guidance of December 1982 to selected expense categories. The increased costs identified result from applying a factor of 5.3 percent against those sub-object classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, transportation, costs and utilities. Excluded from the computation are categories of expenses where inflation has already been built into the 1984 estimates.

765

Total uncontrollable increases/adjustments to base.....

Decreases:

-18

1. Nonrecurring cost for change in hourly rate.....

This provides for an overall pay adjustment that results from a change in the basis for computing pay for General Schedule employees. Currently, General Schedule pay is computed on the basis of 260 workdays or 2,080 hours, although 261 or 262 workdays may occur in a calendar year. For 1984 and 1985, section 310(b)(1) of the Omnibus Reconciliation Act of 1982 requires that pay be computed on the basis of 2,087 workhours. Budget estimates for 1984 reflect this new basis and were calculated as follows:

$$\frac{\$4,546,000 \times 2080}{2087} = \$4,531,000$$

$$\$4,531,000 - 4,546,000 = \$18,000$$

-18

Total decreases.....

747

Total adjustment to base.....

U.S. Parole Commission

Salaries and expenses

Financial Analysis - Program Changes
(dollars in thousands)

<u>Item</u>	<u>Amount</u>
Travel and transportation of persons	\$119
Other services	<u>91</u>
Total obligations, 1984.	210

U.S. Parole Commission

Salaries and expenses

Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and salary ranges	1983 Estimate		1984 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
ES-5, \$65,500	1		1		...	
GS-18, \$63,800	9		9		...	
GS/GM-15, \$48,553-63,115	4		4		...	
GS/GM-14, \$41,277-53,661	35		35		...	
GS/GM-13, \$34,930-45,406	4		4		...	
GS-12, \$29,374-38,185	9		9		...	
GS-11, \$24,508-31,861	5		5		...	
GS-10, \$22,307-29,003	1		1		...	
GS-9, \$20,256-26,331	14		14		...	
GS-8, \$18,339-23,838	1		1		...	
GS-7, \$16,559-21,527	16		16		...	
GS-6, \$14,901-19,374	26		26		...	
GS-5, \$13,369-17,383	15		15		...	
GS-4, \$11,949-15,531	17		17		...	
Total, appropriated positions	157	\$4,457	157	\$4,579	...	\$122
Pay above stated annual rates ..	...	18	...	...	...	-18
Lapses .....	...	...	-3	-48	-3	-48
Net permanent	157	4,475	154	4,531	-3	56

U.S. Parole Commission

Salaries and expenses

Summary of Requirements by Object Class
(Dollars in thousands)

Object Class	1983 Estimate Workyears Amount	1984 Estimate Workyears Amount	Increase/Decrease Workyears Amount
11.1 Full-time permanent	157	\$4,475	154
11.3 Other than full-time permanent:			\$4,531
Part-time permanent.....	1	10	...
Temporary employment.....	3	44	...
11.5 Other personnel compensation:			...
Overtime.....	...	6	...
Total, workyears and personnel compensation.....	161	4,535	158
12 Personnel benefits	494		4,591
13 Benefits to former personnel	7		-3
21 Travel and transportation of persons....	517		56
22 Transportation of things.....	31		35
23.1 Standard level user charges.....	468		...
23.2 Communications, utilities, and other rent	456		127
24 Printing and reproduction.....	67		...
25 Other services	205		33
26 Supplies and materials	68		2
31 Equipment	31		548
Total requirements.....	161	6,879	158
Relation of obligations to outlays:			57
Obligated balance, start-of-year.....	391		5
Obligated balance, end-of-year.....	-536		124
Outlays.....	6,734		1
			2
			957
			536
			-695
			7,677

[The following questions and answers thereto were submitted concerning the fiscal year 1984 budget request for the U.S. Parole Commission:]

Questions Submitted by Mr. Smith

U.S. PAROLE COMMISSION

Question. The 1984 budget request for the Parole Commission includes a program increase of \$210,000 to pay the "going-rate" for contract typists to transcribe summaries of hearings and notices of appeal. What is the "going-rate" for contract typists? What is the Commission currently paying and how many additional contract typists would be hired if the request were granted?

Answer. The requested increase of \$210,000 includes \$70,000 to pay for contract typing services and \$140,000 for training.

The going rate for typists is between \$2.50 and \$4.00 per page depending on the technical nature of the work. The Commission is currently paying contract typists \$1.25 per page and \$.60 per Notice of Action. The \$70,000 requested funding would allow for an increase in the number of typists, and would increase the rates from \$1.25 to \$2.25 per page and from \$.60 to \$1.00 for Notices of Action.

Question. What would be the consequence if this request was not approved?

Answer. Each region is encountering serious problems obtaining contract typists at the present rates. In general, the quality of work has not deteriorated, however, the Commission is experiencing a severe problem in getting services on a regular basis. The Commission is able to accomplish the work most efficiently by using the typists on a regular basis, thus if the request is not granted these problems could perpetuate to the extent that processing decisions in the regional offices or at the institutions where the hearings are conducted could be delayed.

Question. How much of the increase is for training?

Answer. The request for a training package for the Commission is \$140,000. The training package would include:

A. Orientation and Training. Resources will be used to familiarize new employees with the goals and organization of the Commission as well as its statutes, rules and procedures. In addition, new employees will meet with Central Office Commissioners and staff, and representatives from the Federal Prison System and Probation Services.

B. In-Service Training. Resources will be used for a team of two trainers to conduct two to three day training sessions in each Regional Office, bi-annually. This will increase proficiency of hearing examiners and analysts in job performance through skill development and discussion of substantive issues regarding Commission rules and policies, legal issues, etc. This will include development of interviewing, writing, and dictating skills as well as the instruction regarding complex issues such as the preponderance of evidence rule, the warrant process, etc.

C. Annual Examiner/Analyst Training Meeting. Resources will be used for a three-day meeting to provide examiners and analysts with instruction in new or revised rules and procedures of the Commission and to allow dissemination of information regarding relevant policies and programs of the Department of Justice and the Office of Personnel Management. This will enhance consistency and encourage interaction of staff among regions.

D. Seminar for Selected Staff. These resources will allow all Administrative Hearing Examiners and division heads to meet quarterly in the Central Office to discuss and clarify new policies and to provide a vehicle for policy input by staff. This will also permit staff to share ideas and concerns, to resolve cooperatively problems, and to be able to provide further training to regional staff.

E. Other Training. These resources will allow training at such programs as the Attorney General Management Seminars, the Attorney General Senior Executive Seminars, programs at the Executive Seminar Center, NCCD Parole Seminar institutes, etc. This will provide Commissioners and selected staff with (1) greater awareness and understanding of selected public policy issues and trends; (2) an opportunity to acquire new information and strengthen existing knowledge and skills related to managerial responsibilities; and (3) an opportunity to participate in two sentencing institutes. It will also provide training and instruction in U.S. Parole Commission policies and procedures to U.S. Probation Officers, Federal Judges, and Federal Prisons System personnel (conducted by Regional Commissioners).

COMMUNITY RELATIONS SERVICE

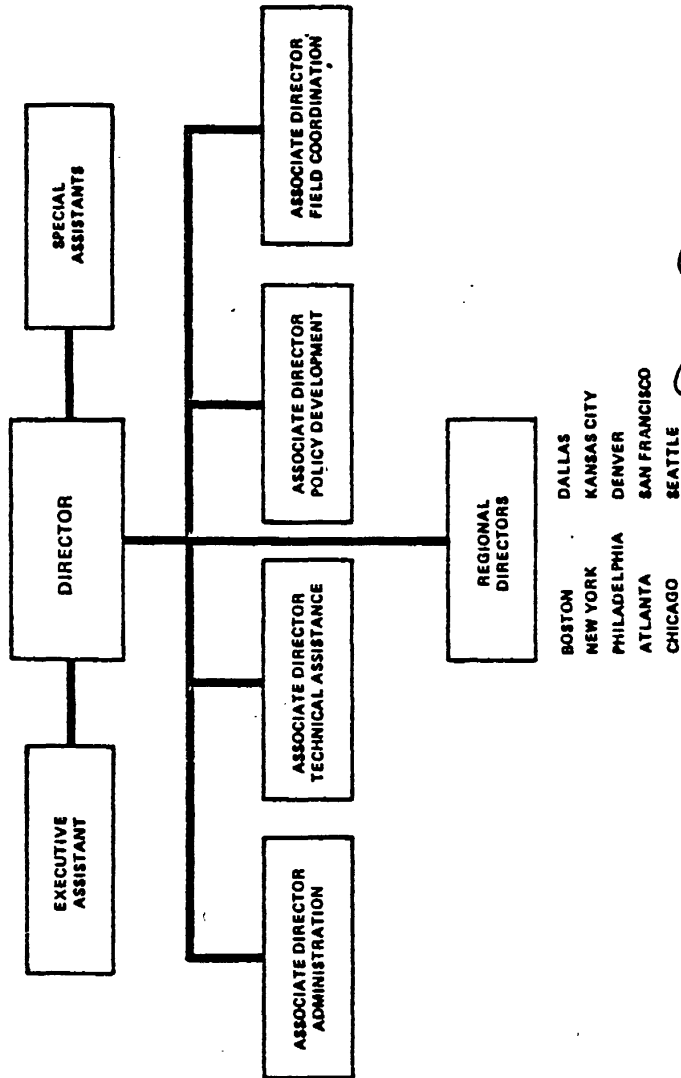
[CLERK'S NOTE.—The fiscal year 1984 budget request for the Community Relations Service is \$6,314,000, an increase of \$550,000 above the appropriation enacted to date for fiscal year 1983. The justification material submitted in support of this request follows:]

(1489)

Department of Justice
Community Relations Service
Estimates for Fiscal Year 1984
Table of Contents

<u>Item</u>	<u>Page Number</u>
Organization Chart.....	1
Summary Statement.....	2
Proposed Authorization Language.....	3
Justification of Proposed changes to the Appropriation Language.....	4
Crosswalk of 1983 Charges.....	5
Summary of Requirements.....	6
Summary of Resources by Program.....	7
Justification of Program and Performance.....	8
Priority Rankings.....	18
Detail of Permanent Positions by Category.....	19
Summary of Adjustments to Base.....	20
Justification of Adjustments to Base.....	21
Financial Analysis of Increases.....	23
Summary of Requirements by Grade and Object Class.....	24

THE COMMUNITY RELATIONS SERVICE



Approved *Edward C. Schmults* Date 3/31/92
 EDWARD C. SCHMULTS
 DEPUTY ATTORNEY GENERAL

Community Relations Service

Summary Statement

Fiscal Year 1984

The Community Relations Service (CRS) requests an appropriation of \$4,314,000 and 84 permanent positions and 92 workyears for 1984. This request represents an increase over the 1983 anticipated appropriations of \$347,000.

The mission of CRS is to provide assistance to communities in resolving disputes, disagreements and difficulties arising from discriminatory practices based on race, color and national origin which impair the rights of people and threaten to disrupt peaceful relations. The agency's primary goal is the avoidance, diminution and resolution of racial-ethnic community conflicts. Subordinate goals are to help communities diminish future conflict, including the risk of major racial violence, by: a) addressing root causes, and b) improving communities' own conflict management capabilities. The agency's objective in 1984 is to provide effective assistance in the resolution of approximately 1000 instances of community conflict.

The rising demand for CRS services is indicated by a growing number of conflict alerts and an increased caseload. To deal with this demand in 1984, CRS anticipates 4 primary focuses to its casework:

1. Reduction of Police-Minority Antagonism. In 1982, CRS received 289 alerts stemming from alleged use of excessive force by police, an 11 percent increase over the previous year. In general, this increase comes from cities not previously served by CRS on this issue. Since it reflects, in part, the impact of economic stress, elevated levels of police-minority conflict will persist for several years.
2. Containment and Reduction of Racial Harassment. Increasing antagonism toward minorities by other population groups has defined one of the fastest-growing segments of the CRS caseload. Such cases include conflicts related to the Ku Klux Klan and similar groups, intimidation to curtail freedom of residence, and opposition to the resettlement of Indo-Chinese refugees. Alerts in this category grew from 281 in 1981 to 329 in 1982—an increase of 17 percent.
3. Reducing the Risk of Civil Disorder. The CRS appraisals of racial tension identify those communities that are most beset by the preconditions of civil disorder. CRS will provide technical assistance to those communities to help reduce the risk that the social inflammables will ignite.
4. Population Resettlement Problems. Conflict accompanying refugee resettlement continued at a high rate in 1982. Much of the conflict stems from efforts of 600,000 Indo-Chinese refugees to win a place in the economy—and the hostility that those efforts engender among competing groups. Immigration—legal and illegal—from Cuba, Haiti, Mexico and other places in Central and South America and the Caribbean Basin will pose increasingly troublesome community relations problems by 1984.

Community Relations ServiceSalaries and expensesProposed Authorization Language

The Community Relations Service is requesting the following authorization language:

For the Community Relations Service for its activities,
including the hire of passenger motor vehicles: \$6,314,000.

Community Relations ServiceSalaries and expensesJustification of Proposed Changes in Appropriation Language

The 1984 budget estimates include the proposed changes in appropriations language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and expenses, Community Relations Service

For necessary expenses of the Community Relations Service, established by Title X of the Civil Rights Act of 1964, [\$5,764,000] 14 \$8,314,000

No substantive changes proposed.

Community Relations ServiceSalaries and expensesCrosswalk of 1983 Changes
(Dollars in thousands)

Activity/Program	1983 President's Budget Request		Congressional Appropriation Actions on 1983 Request		Reprogramming		1983 Supplementals Requested		1983 Appropriation Anticipated	
	Pos.	WY	Pos.	WY	Pos.	WY	Pos.	WY	Pos.	WY
Prevention and conciliation of Community Disputes:										
Technical Assistance.....	5	5	\$304	...	-\$14	...	...	8	5	5
Program Operations.....	64	68	4,379	...	-118	...	...	157	64	68
Executive Dir & Control.....	14	14	1,003	...	-24	-1	...	32	13	13
Administrative Services....	5	5	240	...	-6	1	...	6	6	6
Total.....	88	92	5,926	...	-162	...	...	203	88	92

Explanation of Analysis of Changes from 1983 Appropriation RequestCongressional Appropriation Actions

The Congress reduced the amount available to rent space from the General Services Administration by \$162,000 and provided that agencies cannot pay GSA a higher rate per square foot for such space in 1983 than they paid in 1982.

Supplementals Requested

Supplemental request provides \$203,000 to meet the pay requirements associated with the general schedule and executive level pay increases (Executive Order 12387, October 3, 1982 as modified by Public Law 97-377, Continuing Appropriations, 1983).

Community Relations Service

Salaries and expenses

Summary of Requirements
(Dollars in thousands)

<u>Adjustments to base:</u>		Perm.	Work-	Amount
		Pos.	years	
1983 as enacted.....		88	92	\$5,764
1983 Pay supplemental requested.....		...	...	203
1983 appropriation anticipated.....		88	92	5,967
Uncontrollable increases.....		...	...	644
Decreases.....		...	...	-378
1984 base.....		88	92	6,233
 <u>Estimates by budget activity</u>				
<u>1982 Actual</u>		<u>1983 Approp.</u>		<u>1984 Base</u>
Perm.		Perm.		Perm.
Pos.		Pos.		Pos.
WY	WY	WY	WY	WY
Ant	Ant	Ant	Ant	Ant
100	102	88	92	88
\$5,674	\$5,674	\$5,967	\$5,967	\$6,233
 <u>Prevention and Conciliation</u>				
<u>of Community Disputes.....</u>				
...	...	...	...	\$81

Community Relations Service

Salaries and expenses

Summary of Resources by Program
(Dollars in thousands)

Estimates by Program	1982 as Enacted		1982 Actual		1983 Approp.		1984 Base		1984 Estimate		Increase/	
	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.	Decrease	Perm.
	WY	WY	WY	WY	WY	WY	WY	WY	WY	WY	WY	WY
	Amt.	Amt.	Amt.	Amt.	Amt.	Amt.	Amt.	Amt.	Amt.	Amt.	Amt.	Amt.
Prevention and Conciliation of Community Disputes:												
Technical Assistance.....	6	6	\$314	6	6	\$284	5	5	\$298	5	5	\$333
Program Operations.....	74	76	4,386	74	76	4,389	64	68	4,418	64	68	4,699
Executive Direction and Control.....	14	14	798	14	14	794	13	13	1,011	13	13	1,012
Administrative Services....	6	6	229	6	6	227	6	6	240	6	6	270
Total.....	100	102	5,727	100	102	5,674	88	92	5,967	88	92	6,314
Other Workyears												
Holiday.....	...	...	...	...	...	...	...	...	...	...	...	...
Overtime.....	...	...	...	...	...	...	...	...	...	...	...	...
Total compensable workyears.....	102	102		102			92	92		92		

Community Relations ServiceSalaries and expensesJustification of Program and PerformanceActivity Resource Summary
(Dollars in thousands)

Activity: Prevention and Conciliation of Community Disputes	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease		
	Anticipated			Perm.			Perm.			Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Technical Assistance.....	5	5	\$298	5	5	\$333	5	5	\$333	...	...	...
Program Operations.....	64	68	4,418	64	68	4,599	64	68	4,599	...	...	...
Executive Direction and Control....	13	13	1,011	13	13	931	13	13	1,012	...	...	\$81
Administrative Services.....	6	6	240	6	6	270	6	6	270	...	...	...
Total.....	88	92	5,967	88	92	6,233	88	92	6,314	...	...	81

This activity includes all the resources for carrying out the mission of the Community Relations Service which is to provide assistance to communities in resolving disputes, disagreements and difficulties arising from discriminatory practices based on race, color or national origin which impair the rights of citizens and threaten to disrupt peaceful relations. The total thrust of CRS activity is embodied in Program Operations. Other programs provide direction, and administrative and technical support. In 1984 CRS will focus on racial disputes in three major program areas; 1) Police/minority confrontation cases, particularly those related to allegations of police use of excessive force; 2) Education cases, particularly problems generated in the aftermath of desegregation, and 3) General Community Relations, including such threats of urban civil disorder and such other volatile types of cases of minority harassment.

Activity: Prevention and Conciliation of Community Disputes	1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease		
	Anticipated			Perm.			Perm.			Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Technical Assistance.....	5	5	\$298	5	5	\$333	5	5	\$333	...	...	...

Long Range Goal. To facilitate more effective delivery of conflict resolution assistance to communities through a program of technical services, materials, and information in support of conciliation and mediation.

Major Objectives.

To provide approximately 1,175 items of technical assistance to help field staff resolve specific disputes.

To keep conciliators and mediators informed of technical developments relevant to their work.

To produce technical publications and other written materials in support of the Service's conflict resolution efforts.

Base Program Description. This program functions as an integral part of the conciliation and mediation process. It makes possible improved program performance by enabling the field staff to reach more efficient and successful resolutions of disputes by supplying them with the necessary background and technical information. In the more complex cases, background and technical information is especially required. For example, in dealing with community problems involving excessive use of force by police, the conciliator must have access to data and techniques which local police administrators will respect as better than their own. By maintaining a centralized Technical Assistance Unit, rather than providing specialists for each individual region, CRS standardizes practice among regions and provides greater consistency of product at less cost.

The Office of Technical Assistance and Support (TAS) extends the value of CRS resources by: 1) the dissemination of CRS findings and techniques through national organizations and agencies via publications, training programs, distribution of materials and personal contact; and 2) collaboration in the joint sponsorship with other organizations of conferences on techniques for dealing with critical problems.

Accomplishments and Workload. Accomplishments of the Technical Assistance program are presented in the following table:

Item	Estimates		
	1981	1982	1983 1984
Case Consultation.....	520	605	605 605
Items of Technical Information Provided.....	980	1100	1175 1175
Hours of Training Provided.....	30	40	40 40
Technical Publications Produced.....	1	1	2 2

TAS conducted two-day workshops in Education and the Administration of Justice, the agency's two major program areas, for regional staff members designed as liaisons in those areas for their respective offices.

A major area of involvement continues to be conflict arising from police use of deadly force. The unit has been coordinator since the inception of a program to stimulate innovative, cooperative efforts between police agencies and coalitions of minority groups. Now that an initial 19-city pilot project has proven successful, the program has shifted into the second phase. TAS is providing such assistance as helping: to plan; to develop resources for; and to conduct local, statewide and regional conferences to initiate cooperative police-minority community action. In addition, a handbook that the unit developed on conciliation in deadly force disputes was published in May 1982. It is already being widely requested by law enforcement agencies. In requesting additional copies, the Superintendent of Police of Chicago wrote, "There are 100 command officers in the Chicago Police Department above the rank of captain who I feel should have this publication as mandatory reading."

1983 Appropriation Anticipated	1984 Base		1984 Estimate		Increase/Decrease	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
Program Operations.....	64	\$4,418	64	\$4,699	...	...

Long-range goal. To assist in reducing racial community conflict through such voluntary means as: conciliating or mediating specific conflicts; preventing or reducing violence; establishing mechanisms for better communication and dispute resolution; providing an alternative to litigation; and helping communities to peacefully address underlying problems.

Major Objectives.

To assist communities in reducing or alleviating interracial conflict or antagonism through conciliation and/or mediation. To assess the risk of potential civil disorder in 75-100 of the most vulnerable communities, and provide assistance in reducing the level of risk.

Base Program Description: Community disputes related to unlawful discrimination on the basis of race, color or national origin occur throughout the United States, and involve all the larger and many of the smaller minority populations. Efforts to redress inequities, and resistance to such efforts, create many thousands of conflicts which disrupt harmonious relationships and threaten the peace of the community. Problem areas include law enforcement, immigration, corrections, school desegregation, educational disputes, employment, housing, community development, Indian rights and economic development programs, among others. CRS intervention in such disputes as a neutral third-party expert enables antagonists to work out voluntary solutions which helps avoid the prolongation and escalation of social conflict, economic loss and community estrangement.

Many American communities affected by poverty and racial tension suffer conditions precedent to civil disorders. CRS monitors these conditions and exerts special effort to defuse the most volatile situations.

CRS responds to community racial/ethnic disputes and difficulties through on-site conflict resolution intervention by individual—or teams of—conciliators and mediators based in regional offices. Offices are alerted to problems by public officials or by community groups seeking assistance, by a network of resource contacts who have benefited from or witnessed prior CRS service, or through other means. Incidents which satisfy the criteria of an initial screening process undergo an assessment to determine the nature of the issues, whether they are amenable to the CRS process, the cost the conflict is exacting from the community and the CRS resources that would be required. Each situation is tested against standard case entry criteria employed by all regions. Specific case objectives are determined and costs of achievement are estimated before a case is opened.

The Attorney General has identified CRS as the Government's "early warning system" with respect to communities facing the risk of civil disorder. Case experience in 400-500 communities a year, frequent contact with public officials and community leaders, annual tension assessments by the professional staff in each region, and special analyses enable CRS to

maintain up-to-date appraisals of racial tension around the country.

CRS work falls into three program areas: Administration of Justice, Education, General Community Relations.

The Administration of Justice Program, and particularly the two project areas of Excessive Use of Police Force and Police/Community Relations, will continue to receive the highest priority in 1984. These areas directly support the Department of Justice priority to combat violent crime since they seek to dissolve the major impediments to improved cooperation between police and minority residents. A third project area is Corrections, which deals primarily with disputes in correctional facilities.

The Education Program has two project areas. (1) School Disputes -- As school districts become more heterogeneous, as a result of population shifts, desegregation, and the influx of new immigrant groups, the educational process is increasingly interrupted by disputes involving students, parents and community groups. CRS efforts in the area of school disputes are concerned with resolving, minimizing, or preventing conflicts arising from such issues as the inclusion or exclusion of ethnic curricula or bilingual instruction, alleged discriminatory disciplinary and recruitment practices and student racial violence. (2) School Desegregation--While the need for CRS assistance in resolving community conflict related to school desegregation is declining, the prospect of metropolitan remedies under the authority of U.S. courts and the continuing requirements of some state educational authorities will maintain an active demand for CRS assistance.

The General Community Relations Program, which has been claiming an increasing proportion of CRS resources, embraces the full spectrum in which racial conflict emerges, including immigration, employment and economic development cases, housing, health and welfare, transportation issues, etc. Also included here are two highly volatile categories of cases; those involving "hategroups" to include those groups which espouse racial harassment such as the Ku Klux Klan; and those involving Indo-Chinese refugees. Demographic changes also contribute to the volatility of minority relations. The Hispanic population, native and resident, as well as undocumented persons, is growing rapidly and moving to non-traditional areas of settlement; and no effective solution has yet been found to steady the influx of undocumented people. The Administration changes in immigration policy, particularly provisions for amnesty, guest workers and tighter border controls, will give rise to community tension along racial and ethnic lines. The bitter reaction of many many Hispanic Americans to INS enforcement measures known as Project Jobs, which was initiated in the spring of 1982, is but a small indication of the potential for community controversy that is present within immigration policy change and enforcement.

Cooperation with Federal, State, local and private sector agencies and organizations is a hallmark of CRS conflict resolution activities. The agency participates in a consultative capacity in Federal Executive Boards and Federal Regional Councils. It has been asked by a number of U.S. Attorneys to advise in the formation of Law Enforcement Coordinating Councils. CRS often encourages, advises or even provides the initiative for the formation of local public/private coalition to address particular problems contributing to racial conflict. CRS may catalyze and/or coordinate the joint planning efforts of several law enforcement agencies to guard against outbreaks of violent intergroup strife.

Accomplishments and Workload: Accomplishments of the Program Operations Program are presented in the following table:

Item	Estimates			
	1981	1982	1983	1984
Carryover matters.....	409	335	350	350
Alerts processed.....	1,557	1,967	1,800	1,800
Assessments processed.....	1,219	1,480	1,270	1,270
Conciliation cases conducted.....	991	1,070	878	878
Mediation cases conducted.....	31	26	26	26

In 1982 there were 27 percent more alerts, 21 percent more assessments, and 16 percent more new cases than in the previous year. Despite increasing efficiency, the backlog of cases in process is slowly increasing.

In 1982 CRS successfully closed the last of the 24 cases referred to its Region V office by U. S. District Court judges of the Seventh Circuit. These referral cases were part of a special pilot program to test the feasibility and cost effectiveness of utilizing CRS mediation techniques as an alternative to litigation. An evaluation of the program revealed it to be highly cost effective and capable of having significant impact on the community conflicts addressed. In fulfillment of the Attorney General's reliance on CRS as the nation's "early warning system" regarding racial violence, significant improvements were made in the system for conducting racial tension appraisals of the most vulnerable communities.

Examples of Recent Case Activity

Task Force on Citizen Complaint Procedures - Texas, Statewide. The issues of internal review and the processing of citizen complaints have dominated strained police, Hispanic and Black community relations in Texas over the last five years. City after city has found itself embroiled in disputes with angry minority communities disillusioned with the traditional procedures used to uncover police wrongdoing. Over the years, CRS has worked to bring the disparate parties together to form collaborative relationships working as teams to reach constructive, positive programs. The most recent of these collaborations was a special task force appointed and convened by CRS. The task force members were made-up of a cross-section of key police chiefs and minority leadership from throughout the state. This group worked together to examine their differences and to understand the realities of opposing perspectives in the area of complaint procedures. The end result was the recent publication of a guide to complaint processing procedures and practices designed for local law enforcement agencies and minority community organizations, entitled "Texas Law Enforcement Agencies and Citizen Complaints." During 1982, the task force sponsored area meetings to encourage local jurisdictions to use these guidelines as a tool for improving local citizen complaint procedures and practices.

Minority Access to National Parks - Boston, Massachusetts. The Boston Metropolitan area is beset by increasing numbers of violent attacks and racially-motivated crimes by one racial group upon another. One outcome of this increase in black-white confrontations is the creation of fear on the part of minority citizens to visit many of the national historical sites located in racially divided neighborhoods in Boston. In order to alleviate these fears and insure safe access to these historical sites, CRS is providing conciliation assistance to the National Park Service and the Boston Committee--the two groups most involved in averting violence in and around the sites. A mechanism involving groups and resources was established to prevent racial problems from occurring and to resolve them if and when they do.

Civil Disorder in Flint, Michigan. Following an outbreak of civil disorder and the police shooting of a 15 year old black youth in 1980, public and community leadership of Flint enlisted the assistance of CRS in a concerted efforts to reverse the climate of racial tension which had been escalating for several years. As a result of CRS assistance, the city has implemented a new firearms policy based on examples from other municipalities, and provided a series of training workshops to the police with funding assistance from a local foundation. The police recruit and in-service training curricula now include a strong component on alternative options to the use of excessive or deadly force. The police department's human relations unit has been significantly strengthened. In consultation with the appropriate police unions, the recruitment, hiring and promotion policies of the department were revised, and now, Flint has ranked Black police officers for the first time in its history. Since these changes have been implemented, there has been no instance of fatal shootings, and the climate has so improved that, in the aftermath of the Miami, Florida riots in December 1982, Miami officials are looking with interest at Flint to see if comparable improvements can be brought to their jurisdiction.

1983 Appropriation			1984 Base			1984 Estimate			Increase/Decrease		
Anticipated			Ferm.			Ferm.			Ferm.		
Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount

Executive Direction and Control... 13 13 \$1,011 13 13 \$931 13 13 \$1,012 \$81

Long Range Goal: Provide executive direction and control to CRS by initiating and administering adequate planning, coordination and control, guidance and evaluation of all CRS programs to assure effective execution of requirements of Title X of the Civil Rights Act of 1964, as amended.

Major Objectives:

- Develop, implement, and direct policy and provide executive direction and supervision for the programs of the agency.
 - Conduct and coordinate pertinent communications with the general public, other Federal agencies, and the Congress.
 - Provide legal support to the management and field staff.
 - Determine how appropriated resources are to be allocated.
 - Foster improved management techniques which will maximize Service effectiveness and efficiency.
 - Coordinate program planning at all levels and relate planning to operational analysis and evaluation.
- Base Program Description: Executive Direction and Control embraces those areas of activity by which the Director establishes, transmits and monitors the planning and execution of policies and programs. Activities are conducted by the Office of the Director and Office of Policy Development.

Responsibility for the interpretation of the Agency mandate, for legal counsel, and for legal technical assistance to the regions, are all lodged primarily in the Office of the Director. Media and Congressional relations are conducted by the Director and his personal staff. A special assistant provides necessary legal counsel and legal technical assistance, and coordinates essential Privacy Act and Freedom of Information Act research.

The primary clientele of this program are service components of CRS. The CRS mandate creates a demand for service far in excess of its resource capability. Thus the primary responsibility of the Director is to assure the most effective and efficient utilization of agency resources, and to coordinate the 10 regions with respect to policies, policy decisions, etc. This is made possible in part through the Operational Planning System, a cyclical process involving program planning in response to guidance provided; the reporting, monitoring, and evaluation of program implementation; the study of program and policy issues; the advising of resource needs; development of budget justification and the subsequent provision of direction for program planning.

The Office of Policy Development coordinates and implements the Operational Planning System, including the functions of planning, policy analysis, computer-based management information flow and statistical analysis, program evaluation and assisting the budget formulation process.

Other major elements of executive direction and control include interpretation of the agency's role within the Administration and provision of information to Congress as well as to outside groups whose support and understanding can facilitate the work of the agency. The establishment and maintenance of relationships with other Federal agencies in order to maximize the effectiveness of CRS efforts either through cooperative arrangements or memoranda of understanding is often an element of executive direction and control.

Accomplishments and Workload: Accomplishments of the Executive Direction and Control program are presented in the following table:

	1981	1982	1983	1984
Office plans reviewed/approved.....	16	14	12	12
Budgetary input and supportive testimony and briefings.....	3	3	3	3
Reports on statistical evaluation and analysis of operations.....	5	5	3	5
Special evaluations and analyses.....	3	1	5	10
Issue papers prepared.....	6	6	2	2
Analyses of regional trends.....	4	4	2	2
Annual Community Tension Appraisal.....	1	1	1	1
Management Conferences prepared.....	...	...	20	20
Responses to public and Congressional inquiries.....	60	50	50	50
Response to FOIA/PA inquiries.....	50	70	70	70
Responses to requests for legal assistance from CRS offices.....	1000	1200	1200	1200
Proposed legislation studied.....	2	3	2	2
Periodic reports to the Attorney General or Deputy Attorney General.....	164	110	100	100

The agency structure was modified at the headquarters level and a new table of organization was approved in 1982. Elimination of the Office of Deputy Director and the conversion of operational office chiefs to Associate Directors, overcame a problem of unnecessary layering and permitted more efficient management.

In 1982, the Operational Planning System continued to serve as the formal mechanism for policy guidance and control. Case information reported through the computer-based Operational Data Information System component provided the data base for quarterly and annual statistical analysis reports that monitored program implementation. These reports also provided agency-wide workload and performance data analysis that contributed to further policy development and to budgetary planning.

The system for assessing community racial tensions was placed upon a more formal basis. Standard data sets were submitted with each community assessment, were reviewed at the Headquarters level to promote uniform interpretations across all 10 regions, and a single composite assessment report was prepared and forwarded to the Attorney General.

A new program was begun in 1981 in which the central computer data base was further analyzed to produce more detailed summaries and tabulations of operational information for each individual region. By sending individualized quarterly statistical reports to the field without imposing additional reporting burdens upon field personnel, Regional Directors were provided with additional management information and local staffs were relieved of time-consuming and duplicative record-keeping requirements.

Program Changes: An increase of \$81,000 will enable CRS to purchase a word/data processing system. Currently, CRS headquarters is leasing word processor/computer terminals and buying automatic data processing services at a combined annualized cost of \$80,000 — these would be replaced entirely by the purchased system after testing the two systems concurrently for one year. Conversion of the data base to the new equipment should be completed by the end of the year and the anticipated savings of \$68,000 per year would be realized starting in 1985. In addition, \$81,000 requested for the procurement of the ADF system would be non-recurred in 1985.

In addition to the financial savings, significant efficiencies in performance would also result. The data base structure of the current computer system does not permit direct production of many of the statistical analyses that the Office of Policy Development currently publishes on a quarterly basis; these are calculated separately and then manually entered into the word processor. Furthermore, the existing data base design does not adequately retain information that pertains to newly emerging issues such as the recent heavy influx of refugees and the proposed legalization of illegal immigrants. Without a new minicomputer system that is simple and flexible enough for CRS operators to keep current, the existing computer system will require a substantial redesign of the data base structure (and associated entry and update programs) that is estimated to cost an additional \$40,000 over CRS' regular operating costs in 1984.

1983 Appropriation Anticipated	1984 Base			1984 Estimate			Increase/Decrease	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount

Administrative Services..... 6 6 \$240 6 6 \$270 6 6 \$270

Long-Range Goal: To provide the coordination of a full range of administrative support services; to meet external and internal requirements; and to insure timely, efficient and effective performance.

Major Objectives:

To administer, coordinate and supervise all administrative activities of the Service, i.e., budget preparation and execution, personnel, property and administrative and fiscal management.

To provide fiscal control and effective position management over resources flowing to or through the Service and related information to all programs supported.

To provide timely advisory service to all management levels on technical matters related to administrative services.

To provide for the timely processing of all administrative related requests for space, security, procurement, travel, financial reimbursement and all other administrative requests.

To provide for timely and efficient mail and messenger service.

To provide physical security for government and privately owned equipment under the control of the Service.

To provide for the implementation of an equal employment opportunity program for the Service.

To provide for a centralized records management system.

To provide for a system of internal controls for the purpose of identifying and correcting possible areas of waste, fraud and abuse.

Base Program Description: This program provides a full range of administrative support for the programs addressed in this submission. This program includes, but is not limited to, personnel, equal employment opportunity, procurement, administrative records and mail, management analysis, budget preparation and execution, accounting, transportation, and provision of network communications.

Accomplishments and Workload. Accomplishments of the Administrative Services Program are presented in the following table:

	Estimates		
	1981	1982	1983 1984
Personnel actions reviewed and processed.....	200	200	200
Procurement actions reviewed and processed.....	500	525	550
Vulnerability assessments conducted.....	0	44	50
Budget submissions prepared.....	3	3	3
Space adjustments processed.....	5	8	4
Financial records created.....	1,000	2,000	3,000
Invoices processed.....	900	950	1,000
Regional site inspections conducted.....	4	2	4
Reduction-in-Force options prepared.....	2	3	1
GRS directives published.....	4	6	6
Special reports prepared.....	40	50	70
Financial reports prepared.....	40	55	100
Special projects conducted.....	12	12	12

Many of the purely administrative objectives are currently accomplished through a liaison process with Justice Management Division (JMD). The Administrative Office provides for direct input of vouchers, request for personnel actions, requests for goods and services, obligating documents, inventory control, etc., to the JMD accountability systems. In addition, security, EEO, and internal fraud and abuse control systems are provided directly from personnel assigned to the unit. In 1982, GRS joined with other components of the Justice Department in implementing the Financial Management Information System (FMIS) a computerized accounting system. Largely through this system, we anticipate improved financial accountability without additional expenditure of funds or staff time.

Major objectives contained within this program are on-going in nature, and not usually completed except in the planning stages of new systems. Implementation is on-going in all areas addressed by this program.

Community Relations Service

Salaries and expenses

Priority Rankings

<u>Base Program</u>		<u>Program Increase</u>	
<u>Program</u>	<u>Ranking</u>	<u>Program</u>	<u>Ranking</u>
Program Operations	1	Executive Direction and Control	1
Executive Direction and Control	2		
Administrative Services	3		
Technical Assistance	4		

Community Relations Service

Salaries and expenses

Detail of Permanent Positions by Category
Fiscal Years 1982 - 1984

Category	1982 Authorized	1983 Authorized	1984 Total
Regional Directors (340).....	10	10	10
Senior Conciliation Spec. (301).....	9	9	9
Conciliation Specialist (301).....	49	44	44
Tech. Asst. Specialists (301).....	2	1	1
Accounting and Budget (500-599).....	1	1	1
General Admin., Clerical and Office Services (Other 300-399).....	28	23	23
Total.....	100	88	88
Washington.....	20	19	19
U.S. Field*.....	80	69	69
Total.....	100	88	88

*Includes 6 (5 in 1983-1984) assigned to field operations but located in Washington Metropolitan Area.

Community Relations Service

Salaries and expenses

Summary of Adjustments to Base
(Dollars in thousands)

	Perm. Pos.	Work- years	Amount
1983 as enacted.....	88	92	\$5,764
Pay increase supplemental requested:			Amount
Increased pay costs.....			\$200
Medicare costs.....			32
Amount absorbed.....			-29
Net pay supplemental.....	...	...	203
1983 appropriation anticipated.....	88	92	5,967
Adjustments to base:			
Uncontrollable increases:			
Annualization of 1982 pay increase.....	...	...	44
Within-grade increases.....	...	...	32
Annualization of medicare costs.....	...	...	9
Health benefits costs.....	...	...	11
Standard level user charge (SLUC).....	...	...	478
GSA recurring reimbursable services.....	...	...	5
Federal Telecommunications System (FTS)	...	...	22
GPO printing costs.....	...	...	1
Employee data and payroll services.....	...	...	1
General pricing level adjustment.....	...	...	41
Total, uncontrollable increases.....	...	...	644
Decreases:			
One less compensable day.....	...	...	-14
Cost for change in hourly rate.....	...	...	-11
Non-recurring benefits to former employees.....	...	...	-341
Postal service redistribution.....	...	...	-12
Total, decreases.....	...	...	-378
1984 Base.....	88	92	6,233
			20

Community Relations ServiceSalaries and expensesJustification of Adjustments to Base
(Dollars in thousands)

<u>Uncontrollable increases:</u>	<u>Amount</u>
1. Annualization of 1983 pay increase.....	\$44
This provides for annualization of the October 3, 1982 pay increase contained in Executive Order 12387. of the pay raise requirement of \$200,000, \$29,000 was absorbed in 1983.	
2. Within-grade increases.....	32
This request provides for an expected increase in the cost of within-grade salary increases. This increase is generally consistent with increases experienced within recent years and is approximately one percent above the base for compensation and related benefits for permanent employment. (Personnel compensation \$29,000 and benefits \$3,000 = \$32,000).	
3. Annualization of medicare costs.....	9
This provides for full funding for the 1.3 percent Federal share of the Medicare Hospital Insurance Tax to Federal employees as required by P. L. 97-248, the Tax Equity and Fiscal Responsibility Act of 1982. The request of \$9,000 covers the period from October 1 to December 11 which was not funded in 1983.	
4. Health benefits costs.....	11
The Federal Employees Health Benefits Act (P.L. 93-246) provides that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. Effective January 1 1982, the health insurance carriers raised their rates approximately 13 percent. The requested increase of \$11,000 provide for payment of the average rate percent over the \$85,000 now available.	
5. Standard level user charges.....	478
Section 108 of P. L. 97-377, Continuing Resolution for 1983, prohibits agencies from paying the General Services Administration (GSA) a higher rate per square foot for the rental of space and services in 1983 than they paid in 1982. In keeping with the Administration's policy that charges for space shall be consistent with market rates, the request includes \$162,000 to restore cuts made in 1983 and \$316,000 related to 1984 price level adjustments and the annualization of the 1983 space inventory.	

	Amount
6. GSA recurring reimbursable services.....	\$5
Payments for heating, ventilation, air conditioning and guard service over normal requirements are made to GSA on a reimbursable basis. An increase of 25 percent in 1984 based on 1983 estimated costs of \$25,000 yields an uncontrollable increase of \$5,000.	
7. Federal Telecommunications System (FTS)	22
The FTS increase reflects the advance billing provided to the Department of Justice by the General Services Administration. In 1984, the uncontrollable increase will be \$22,000 over the 1983 base of \$180,000.	
8. GPO printing costs.....	1
The Government Printing Office (GPO) is currently projecting a five percent increase over the 1983 printing cost of \$20,000. An additional \$1,000 will be required in 1984.	
9. Employee data and payroll services.....	1
Centralized employee data and payroll services are provided to most departmental organizations. Charges for these services, which include information systems maintenance and payroll accounting, are based on the number of employees paid. The rate of \$110.00 per employee in 1983 has been raised to \$120.94 for 1984. The uncontrollable increase of \$1,000 is based on 88 authorized positions.	
10. General pricing level adjustment.....	41
This request applies the GPM pricing guidance of December 1982 to selected expense categories. The increased costs identified result from applying a factor of 5.3 percent against those sub-object classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, transportation costs and utilities. Excluded from the competition are categories of expense where inflation has already been built into the 1984 estimates.	
Total uncontrollable increases.....	641
Decreases (Automatic non-policy):	
1. One less compensable day.....	-14
2. Costs for change in hourly rate.....	-11
3. Non-recurring benefits to former employees.....	-341
4. Postal Service redistribution.....	-12
Total, decreases.....	-378
Total, adjustments to base.....	266

Community Relations ServiceSalaries and expensesFinancial Analysis - Program Changes
(Dollars in thousands)

Item	Executive Dir- ection & Control		Total	
	Pos.	Amount	Pos.	Amount
Total workyears and personnel compensation.....
Other services.....	...	\$21	...	\$21
Equipment.....	...	60	...	60
Total workyears and obligations, 1984.....	...	81	...	81

Community Relations Service

Salaries and expenses

Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and salary ranges	1983 Estimate		1984 Estimate		Increase/Decrease	
	Positions	Amount	Positions	Amount	Positions	Amount
Executive Level IV, \$67,200.....	1		1		...	
ES-4, \$63,800.....	2		2		...	
GS/GM-15, \$48,553-63,115.....	12		12		...	
GS/GM-14, \$41,277-53,661.....	12		12		...	
GS/GM-13, \$34,930-45,406.....	39		39		...	
GS-12, \$29,374-38,185.....	7		7		...	
GS-9, \$20,256-26,331.....	1		1		...	
GS-8, \$18,339-23,838.....	10		10		...	
GS-7, \$16,559-21,527.....	4		4		...	
Total, appropriated positions.....	88	\$3,434	88	\$3,498	...	\$64
Pay above stated annual rates.....	...	13	...	...	...	-13
Net permanent.....	88	\$3,447	88	\$3,498	...	\$51

Community Relations Service

Salaries and expenses

Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1983 Estimate		1984 Estimate		Increase/Decrease Workyears Amount
	Workyears	Amount	Workyears	Amount	
11.1 Full-time permanent.....	88	\$3,447	88	\$3,498	...
11.3 Other than full-time permanent:					\$51
Temporary employment.....	4	110	4	110	...
11.5 Other personnel compensation:					...
Overtime.....	...	11	...	11	...
Total, workyears and personnel compensation.....	92	3,568	92	3,619	51
12 Personnel benefits.....		379		399	20
13 Benefits to former personnel.....		341		...	-341
21 Travel and transportation of persons.....		446		453	7
22 Transportation of things.....		5		5	...
23.1 Standard level user charges.....		425		903	478
23.2 Communications, utilities, and other rent.....		504		528	24
24 Printing and reproduction.....		24		25	1
25 Other services.....		204		247	43
26 Supplies and materials.....		55		58	3
31 Equipment.....		16		77	61
Total obligations.....		5,967		6,314	347
Relations of obligations to outlays:					
Obligated balance, start-of-year.....		339		434	
Obligated balance, end-of-year.....		-434		-483	
Total Outlays.....		5,872		6,265	

[The following questions and answers thereto were submitted concerning the fiscal-year 1984 budget request for the Community Relations Service:]

Questions Submitted by Mr. Smith

COMMUNITY RELATIONS SERVICE

Question. The budget request for the Community Relations Service (CRS) includes a program increase to purchase a data processing system to replace a leased system with a net savings of \$68,000. What is the basis for this calculation? How much would it cost to purchase and maintain the system over its life cycle and how much would it cost to lease a similar system?

Answer. A. Basis for Calculation. The estimated savings of \$68,000 per year was calculated in May 1982. At that time, the agency was leasing five terminals for a total of \$31,877 and purchasing computer services for about \$48,000, for a total of \$79,877 per year. A minicomputer based system of the same or superior capability could be bought for \$81,000 and would require \$11,930 per year in maintenance costs. After the one-time payment of \$81,000, the annual savings by purchasing would total \$68,000 per year.

B. Life Cycle Costs. Department of Justice regulations call for five year life cycle costing for word processing equipment and 8-year costing for data processing equipment. The proposed minicomputer system would be used for both functions concurrently. Over 5 years, the life cycle cost would be \$140,650; over 8 years, the life cycle cost would be \$176,440.

C. Leasing a Similar System. Rental of a similar minicomputer system would cost \$50,111 per year, \$250,555 over 5 years, and \$400,888 over 8 years.

Question. What is the data processing system used for?

Answer. The CRS data processing system, known as Operational Data Information System (ODIS), embraces the recording, reporting, analysis and distribution of information describing CRS field performance. Daily reports of all alerts, and weekly updates on all cases, transmitted electronically from the ten regional offices, provide essential data for headquarters oversight of regional activity. Such information as case cost, case duration, community served, minorities involved, types of conflict addressed, level of tension, case objectives and case achievement is entered into the computer data base and thus is readily available to the Director and his staff for purposes of program planning, budgeting and operational supervision and as a basis for interpreting the work of the agency to the Attorney General and to the Congress. Quarterly feedback of operational data to each regional office permits better regional management. Quarterly and annual statistical analyses of operations, which profile the case management practices in each region, are used by the Director in periodic management conferences with each regional Director.

WITNESSES

	Page
Archer, G. L., Jr.....	1077
Arnold, M. E.....	609
Barnett, E. L.....	1
Baxter, W. F.....	1013
Bayse, W. A.....	823
Breed, A. F.....	443
Buzzeo, R. W.....	1
Carlson, N. A.....	443
Colwell, W. L.....	823
Cory, R. C.....	609
Diegelman, R. F.....	729
Dinkins, C. E.....	1077
Farkas, G. M.....	443
Giuliani, R. W.....	369
Hall, W. E.....	1423
Hausler, H. E.....	1
Houk, W. B.....	443
Hughes, T. A.....	823
Jensen, D. L.....	1077
Lawn, J. C.....	1
Lee, R. E.....	1077
Mallgrave, F. X.....	1321
McGrath, J. P.....	1077
Mead, Gary.....	1423
Meissner, D. M.....	609
Monastero, F. V.....	1
Moyer, E. A.....	1321
Mullen, F. M., Jr.....	1
Neill, C. R..... 1, 131, 231, 345, 443, 609, 729, 1013, 1077, 1321, 1413,	1423
Nelson, A. C.....	609
Perrelli, T. N.....	609
Rensch, L. N., Jr.....	443
Reynolds, W. B.....	1077
Ricks, B. A.....	1
Rooney, K. D..... 1, 131, 231, 345, 443, 609, 729, 823, 1013, 1077, 1321, 1413,	1423
Safir, Howard.....	1423
Salgado, J. F.....	609
Schlesinger, S. R.....	729
Schmults, E. C.....	1077
Shaffer, J. R..... 131, 231, 345, 443, 609, 729, 1013, 1077, 1321, 1413,	1423
Shea, Q. J.....	1413
Shealey, J. A.....	1423
Smith, W. F.....	131

	Page
Steiner, R. C.....	1077
Stewart, J. K.....	729
Sweda, D. J.....	443
Tarr, R. W.....	1077
Tyson, W. P.....	1321
Vander-Staay, A. J.....	729
Webster, W. H.....	823

INDEX

	Page
Antitrust	1013
American Airlines monopolization	1073
Amicus Curiae briefs filed:	
1982	1067
1983	1067
AT&T	1065
Budget request	1014
Cases instituted	1054
Consumer affairs transfer	1052
Field offices, closing of	1065
GTE-Sylvania case	1070, 1072
Hart-Scott-Rodino Act	1066
IBM case	1074
Monsanto case	1072
Resale price maintenance	1068, 1069
Attorney General overview	131
Alternative forms of punishment	185
Artic Penitentiary Act	203
Automated support	178
Budget, 1984:	
Request	176
Summary	132
Closed sessions, motion for	180
Conclusion	180
Domestic security/terrorism guidelines	220
FBI/DEA cooperation	201
Federal prisons:	
Colocation, Federal and State	207
Construction state and local assistance	209
Facilities—Los Angeles	184, 196
Facilities—Northeast	182, 195
Lewisburg Penitentiary	197
Military installations, use of	194, 199, 203
Overcrowding	178, 181
Surplus facilities	195, 196, 199
Firearm matches	202
Foreign Agents Registration Act:	
Act	211
Criteria and procedures	214, 215
Exemptions	192, 193, 215
Films, review of	211
Labeling	190, 212
Questions, general	189

Attorney General overview—Continued

Foreign Agents Registration Act—Continued	Page
Registration	188
Resources	192, 213
Foreign counterintelligence	179
General statement	176
Geographic distribution of resources	207
Halfway houses, closings	194
Honor law graduate program	208
Immigration and Naturalization Service:	
Citizen identification cards	210
National Records Center	179
Reform legislation	185
Investigators	177
Internal Revenue Service, drug investigations	220
Jobs bill	184
Military aircraft, use of	205, 206
Office of Justice Assistance:	
Juvenile justice program	186, 218
State and local assistance	179
State and local initiatives	198, 200, 218
State and local drug grants	187, 218
Olympics, 1984	210
Organized Crime Drug Enforcement:	
Coordination	199
Labor department	219
Prosecutors	177
Resources	202
Position increases	179
Presidential Commission on Organized Crime	186, 201
Program decreases:	
1983	193
1984	180
Statement of Lowell Jensen	222
Unsentenced prisoner space	178
Violent crime	176
Community Relations Service	1489
Drug Enforcement Administration	1
ADP and telecommunications	125
Aircraft:	
Cobra class helicopters	113
Hawkeye	113
Barnett, Edgar L., biographical sketch	75
Budget increase	129
Budget request	2
Buzzeo, Ronald W., biographical sketch	76
Cocaine currently drug of choice	104
Cooperation:	
Bank	110
DEA	128
DEA/FBI	111, 118
Foreign government	127, 108, 122
Local enforcement	112

Drug enforcement Administration—Continued	Page
Domestic cultivation control	128
Domestic eradication program	105
Drug entry points	106
FBI involvement	106
GSA SLUC:	
M street, 2400	126
Space problems	115
Space rental charges	120
Guard services	127
Heroin origin	107
Information sources on drug effects	104
Laboratory services	123
Lawn, John C., biographical sketch	74
Marijuana origin	107
Narcotics law enforcement agencies	111
Organized crime	110
Organized crime drug enforcement task forces	119
Organized crime European connections	108
Pay supplemental, 1983	116
Prepared statement	78
Public corruption	110
Reestablishment of operations in Beirut	108
Reorganization, 1983	116
Restoration of funds and workyears, 1983	116
Ricks, Bob A., biographical sketch	77
Surveillance:	
Air	110
Around the clock	114
Technical operations	125
Vehicles additional	121
Work of national institute of drug abuse	105
Federal Bureau of Investigation	823
ADP and telecommunications systems	1009
Bank robbery enforcement policy	985
Budget request	824
Building maintenance	1003
Civil rights matter, Montgomery, Ala.	994
Communications privacy	993
Computer crime	995
Congressional relationships	996
Drug enforcement	1007
El Salvador murder cases	1001
FBI/DEA coordination	988
field office information management system	990, 1009
Fingerprint identification:	
Automated identification division system	1010
User fees	1011
General statement	900
Hostage rescue team	991
Interstate identification index	1011, 1012
Interstate theft	1005
Judge Wood assassination case	985

Federal Bureau of Investigation—Continued	Page
Law enforcement training	998
Legal attaches	986
List of exhibits	903
Los Angeles Olympic games	992, 999
Michigan, FBI activities in	994
National Crime Information Center	1011, 1012
Organized crime drug enforcement task forces	1008
Questions submitted for the record	1007
Seizures and forfeitures	988
Standard level user charges	1008
Technical field support and equipment	1010
Terrorism	1009
Undercover operations:	
Legislation for	989
Management of	1007
Underground economy	1000
Federal prison system	443
Alternatives to incarceration	548, 552, 561
Atlanta penitentiary	549, 556
Attorney General's task force on violent crime	598
Budget requests:	
Buildings and facilities	514, 554
Federal Prison Industries, Inc.	534, 550, 557
National Institute of Corrections	502, 549, 557, 577
Salaries and expenses	447, 549, 555
Contract community treatment centers (CTC's)	583
Cuban/Haitian detainees	549, 567
Federal Youth Corrections Act	588, 590
Halfway houses	563
Inmate labor	573
Institution security	553, 583
Medical services	549, 565
National Institute of Corrections, evaluations of	577, 581
Nonviolent offenders, camps and CTC's for	563, 574, 596
Overcrowding:	
Criteria for measuring	559
Solutions to	548
Prison construction:	
Alternatives to	555, 596, 604
Cost of	568, 569, 575
Los Angeles Metropolitan Correction Center	548, 554
Modernization and repair	555
Northeast region FCI's	548, 554, 568
Optimum size	560
Phoenix, Ariz.	553, 568, 570
Prison facilities:	
For the aged	562
Former colleges	549, 574
Surplus properties	549, 570, 572, 574, 576
Prison population	547, 551, 552, 559, 567, 583

Federal prison system—Continued	Page
Questions submitted for the record	583
Sentencing commission	550, 557, 565
Springfield, Missouri Medical Center	556, 565
State prisoners, boarding of	566, 588
Statements:	
General	547
Prepared	551
Supervision of prisoners	560
Training:	
Firearms	586
Self-defense	585
Staff	584
Vocational	597
Workers' compensation	587
Fees and expenses of witnesses	345
Budget request	346
Questions submitted for the record	365
Statement:	
General	359
Prepared	360
Witnesses:	
Expert	362, 365
Fact	362, 365
Organized crime involvement	363
Security program	362, 363
General administration	231
Administratively uncontrollable overtime	333
Appropriated language changes requested	334
Authorization status	320
Inflation rate	320
Automated systems:	
Administrative	320
Improvements in	326
Budget request	226, 330
Evaluation:	
FBI undercover programs	329
Multistate law enforcement	325
Studies	322
Federal justice research program:	
Cost	336
Cost overrun	321
Request	321
General pricing level increase	330
GSA SLUC charges	333
Increased pay costs	330
Questions submitted for the record	330
Regional intelligence programs:	
Financial accountability	324
Networks	322
State and local drug grants	337
Statement:	
General	316

General administration—Continued

Statement—Continued	Page
Prepared	317

General legal activities..... 1077

Automated:	
Data processing efficiencies	1305
Data systems.....	1290
Litigation support.....	1297
Support	1290, 1300
Budget request	1078, 1283

Civil Division:	
Automated support	1290, 1297
Private counsel.....	1294
Program increase	1283, 1302

Civil Rights Division:	
Automated support.....	1300
Backlog	1298
Language provisions enforcement	1300
Voting programs	1298

Community Relations Service.....	1300
----------------------------------	------

Criminal Division:	
Automated data systems	1290
Evaluations	1292
Films labeled	1311
Foreign Agents Registration Act	1309
Program increase.....	1283
Registration units resources.....	1318
Tax enforcement narcotic unit.....	1291
Tourist literature labeling	1318

Films, labeled	1311
----------------------	------

Foreign Agents Registration Act.....	1309
--------------------------------------	------

GLA, program increases	1285
------------------------------	------

General statement.....	1283
------------------------	------

Lands and Natural Resource Division	1301
---	------

Law enforcement coordinating committee	1292
--	------

Litigation:	
Automated support.....	1297
Requests to institute	1307

Organized Crime Drug Enforcement	1294
--	------

Positions, upgrading of.....	1306
------------------------------	------

Prepared statement	1285
--------------------------	------

Program increases:	
Civil Division	1283, 1302
Criminal Division	1284
General legal activities.....	1283

Questions submitted for the record	1302
--	------

Tax Division	1284
--------------------	------

Tax enforcement narcotic unit	1291
-------------------------------------	------

Tourist literature labeling.....	1318
----------------------------------	------

U.S. attorneys	1296
----------------------	------

Voting laws, preclearance of.....	1299
-----------------------------------	------

Immigration and Naturalization Service	Page 609
Accomplishments:	
Other.....	691
Recent.....	689
Adjudication, backlogs	727
Agencies:	
Census, 1980, disruption of enforcement.....	715
Coordination with other agencies.....	690, 708
Participation in apprehension of smugglers in southern Florida.....	709
State employment services, offices.....	710
Applications for citizenship, backlogs	727
Automation:	
Data and communication systems.....	724
Information and records management.....	725
Information systems.....	728
National records center.....	705
Backlog:	
Naturalization.....	711
Pending adjudication and citizenship applications.....	727
Borders:	
Additional inspection positions for Southwest border.....	723
Control of.....	713
Employment increases.....	719
Budget request	609
Census, 1980, disruption of enforcement	715
Cuban entrants	705
Deportation:	
Alien travel costs.....	722
Travel costs of aliens expelled from country.....	727
Detention:	
Florence, Ariz. site.....	717
Increased pay for illegal detainees.....	705
Time reduction.....	717
Efficiency, source of increased	720
Employed illegal aliens:	
Apprehension of.....	713
Sources of information about.....	713
State employment services offices.....	710
Examiners, using nonlawyers as	712
Fees:	
New schedule.....	721
User.....	720
Goals, major	689
Haitian entrants	705
Helicopters:	
Average flight time.....	708
Cross-trained pilots.....	708
Information:	
Sources about illegal aliens.....	713
Systems (See Automation)	
Inspections	723
Language changes	705
Legislation:	
Reform.....	721

Immigration and Naturalization Service—Continued

Legislation—Continued	Page
Simpson-Mazzoli bill, funding for	706
Mexican, cooperation with officials	709
Naturalization, backlog	711
Night scopes	708
Olympics:	
Additional workyears, 1984	718
New INS center in Oakdale, Calif.	716
Olympics, 1984	717
Overtime Act	717
Public service areas	691
Registration, discontinuance of annual for aliens	712
Seizure of assets	715
Simpson-Mazzoli bill, funding of	706
Smuggling:	
Anti-smuggling accomplishments	708
INS participation in apprehension in south Florida	709
Statement:	
General	689
Prepared	693
Travel costs of deporting aliens	722, 727
Office of Justice Assistance	729
Budget request	730
Bureau heads, introduction of	777
Consolidation of separate appropriations	782
Deinstitutionalization	820
Delinquency prevention funds, use of	813
Glynco Federal Law Enforcement Training Center:	
LEAA funding of	790
State and local funding at	789
Justice assistance legislation:	
Authority to continue operating	781
Proposed	780
Juvenile justice:	
Drugs grants	809
Elimination of	776, 791
Programs	802
Systemwide improvements	793
Training	817
Juvenile programs:	
Change of focus in	797
Federal involvement in	797
Funding of under State/local programs	796
LEAA:	
Funding of Glynco Training Center	790
Termination of funding	788
Management and administration	809
Multistate regional intelligence network	789
Position reductions, RIF's	783
Prevention, funds expended for	814
Public safety officers' benefits:	
Program	799, 808

Office of Justice Assistance—Continued

Public safety officers' benefits—Continued	Page
Increase for	775
Questions submitted for the record	800
Research and statistics:	
Bureau of Justice Statistics increase	775
Justice statistical programs	804
Runaway Youth Act	798
State and local assistance	800, 809
State and local assistance programs:	
Funding of juvenile programs under	796
Funding level for	784
New programs	776
Statutory requirements of	785
State and local drug grant programs:	
Assessment of effectiveness	786
Equipment purchased with	787
Statement:	
General	775
Prepared	778
Target formula grant programs	785
Organized Crime Drug Enforcement	369
Automated support:	
DEA	427, 429
FBI	430
Request	410
Conclusion	411
Continuing resolution	425
Cooperation:	
State and local	437
Federal funding	438
Disposition of seized drugs	439
Distribution of total request:	
FBI	435
Request	408
Treasury Department	435
Drug Investigations	435
Eight point program	408
Federal prisons:	
Expansion	425
Inmate labor	427
Funding level	408
Guidelines	409
Investigators	409
Jobs bill	426, 440
Operational schedule	409
Presidential Commission on Organized Crime	411, 436
Program performance	410
Participation:	
Federal agencies	409
U.S. attorneys	432
Separate appropriations:	
Request	410

Organized Crime Drug Enforcement—Continued

Separate appropriations—Continued	Page
Treasury Department	440
South Florida task force	431
Statements:	
General	408
Prepared	412
Task forces:	
Accountability	433
Organization	430
Overtime	433
Request	408
Staffing	430
Total cost	434
Training	432
U.S. attorneys	1321
Caseload:	
Assistant U.S. attorneys	1400
Criminal, increase	1405
Management and collections system	1409
Position transfer for management	1394, 1400
Coordination with State and local authorities	1406
Drug task forces	1401
Evaluation reviews	1407
Grand jury reporting costs	1395
Joint investigations and cross-designation of prosecutors	1403
Media leaks	1407
Program increase for civil litigation	1399
Prosecutorial declination	1402
Questions submitted for the record	1410
Reduction in personnel	1400
Right to Financial Privacy Act	1395, 1399
Statement:	
General	1394
Prepared	1396
Uncontrollable expenses:	
Controlling	1404
SLUC increases	1401
U.S. Trustees	1413
ABT Associates program evaluation	1415
Appointments to vacancies	1415
Appropriation request, 1984	1416
Cases:	
Assets and liabilities in cases handled	1419
Caseload data	1417
Comparison of active cases	1418
Data on assets and liabilities in districts	1419
Fifteen largest cases in pilot districts	1419
Costs:	
Affiliated with program sunset	1416
Overtime	1416
Full-scale operations	1415
General statement	1413

U.S. Trustees—Continued	Page
Marathon pipeline decisions	1419
Overtime:	
Costs	1416
Obligations	1416
Uncontrollable versus administrative	1417
Pay supplemental:	
Data on 1983	1414
Of 1983	1414
Positions:	
Appointments to vacancies	1415
Full-scale operation	1415
Resources for program, 1983	1413
Sunset, costs affiliated with	1416
Termination of program:	
Costs affiliated with program sunset	1416
Termination of pilot program	1420
U.S. Marshals Service	1423
Cooperative agreement program	1444, 1447
Contract guard services	1429
El Paso Intelligence Center	1427
Fugitive investigative strike team	1428
General statement	1423
Informants fund	1427
Movement of nuclear weapons	1428
Position vacancies	1430
Private process	1424
Security support	1425, 1429
U.S. prisoners:	
Increase for care in non-Federal institutions	1443
Support of	1424, 1430, 1446
Witnesses:	
Protected witnesses not appearing at trial and not involved with organized crime cases	1427
Security program	1425
Trial appearances	1427
U.S. Parole Commission	1465